



**SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12223**

MIRIAM SNYDER,

DTA# 826108

PRO SE PETITIONER

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VS.

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FICTITIOUS RESPONDENTS, ATTORNEYS ACTING AS WITNESSES AND MALICIOUS DEBT COLLECTORS

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PRO SE PETITIONER

VS.

**PETITIONER'S PROPOSED ORDER TO SHOW CAUSE
FOR PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING
ORDER IN REPLY TO THE RESPONDENTS ANSWER,
EXTORTION CLAIMS AND THEIR UNCONSTITUTIONAL
AND NEVER SERVED NOTICE AND NO PROOF OF
SERVICE DRIVER LICENSE SUSPENSION NOTICE
ALLEGED DATE OF NOVEMBER 8TH 2013**

**AMANDA HILLER, INDIVIDUALLY AND AS DEPUTY COMMISSIONER AND COUNSELOR
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE, MICHELE W. MILAVEC
INDIVIDUALLY AND AS SENIOR ATTORNEY STATE OF NEW YORK DEPARTMENT OF
TAXATION AND FINANCE, KEVIN ID # 5470 INDIVIDUALLY AND AS MEMBER OF THE STATE
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DEPARTMENT OF TAXATION AND FINANCE**

**FICTITIOUS RESPONDENTS, ATTORNEYS ACTING AS WITNESSES AND MALICIOUS DEBT
COLLECTORS**

- 1. The Petitioner Miriam Snyder proceeds by way of an Order to Show Cause pursuant to CPLR 2214(d). Miriam Snyder submits this Proposed Prohibitory Injunction Order in support of her Petition and upon the affidavit of Miriam Snyder sworn to the 16th day of June 2014 and her elderly Mother's Affidavit is forthcoming as this undue hardship license suspension has made it virtually impossible to get her elderly mother around, more specific to a notary, it is ORDERED, that the above named Respondents show cause before a motion term of this Tribunal in NYC , on _____, at _____ o'clock in the noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to CPLR 2214(d), enjoining the Respondents during the pendency of this action from continuing the obstruction of Petitioner's Constitutional**

right to be free from deprivation of life, liberty or property without due process of law as those rights are articulated in the Fifth, Ninth, and Fourteenth Amendments to the United States Constitution. Petitioner's driver license was criminally seized/suspended by the Respondents January 2014 up to present with no Notice prior to the January 2014 suspension, and without validation or cause.

2. Petitioner's license was suspended without proper or procedural Notice. Additionally, Petitioner was never served any summons, complaint, or Notice of such each act in obstruction to CPLR Rule §3211(e).
3. Petitioner again adamantly invokes and objects to the proceeding of this matter entertaining Respondents allegations with no proof of claim and with an erroneous, unconstitutional, and non-validated Driver License Suspension Order, coupled with Respondents theft of Petitioner's money with no Respondent complaint, summons or anything that authorizes or justifies the Respondents legal abuse extortion scam and the initial suspension of Petitioners driver's license was enforced with no Notice prior to suspension.
4. Petitioner was not served or mailed any Notice of November 8, 2013 and Respondents have no proof of service of such alleged Notice. Petitioner again moves for dismissal of the Suspension Order on the grounds that she was not served and Respondents have no proof of presumptions or proof of service. The respondents' unconstitutional suspension with no proof of claims have invoked continual undue hardship and terrorism as summarized in all of the Petitioners documents.
5. The no Notice of Suspension of November 8, 2013 and the no proof of service makes this unconstitutional and diabolical act criminal and it puts Petitioner's elderly mother and Petitioner in a dangerous, abusive and unsafe situation because the ability to travel freely has been destroyed, more specific, Petitioner's right and need to travel by car is immensely necessary in order for Petitioner to care for her elderly mother and obtain her elderly mother's needed daily and medical supplies. The unconstitutional Suspension Order is a safety and health hazard as it obstructs Petitioner's elderly and disabled mother's right to have her daughter care for her and be her driver.
6. Petitioner is her elderly mother's care giver and driver and this unconstitutional driver license suspension program with no notice prior to suspension has caused irreparable harm, injuries, and hardships both on Plaintiff and her elderly and disabled mother.

- 7. The unconstitutional suspension has invoked immediate and irreparable harm as it has invoked conditions that prevented the Petitioner from addressing medical emergencies in a timely manner. Time is of the essence as Petitioner's mother is elderly and this induced and unwarranted inability to transport her in emergencies and when needed advances the aging process and has induced undue hardship on both Petitioner and her elderly mother.**
- 8. Petitioner is the full time care giver of her elderly mother and this unconstitutional license suspension is being used as a collusion based extortion sham designed to obstruct her ability to work, to care for her mother, do her job and the ramifications of such has induced undue hardship on her elderly and disabled mother.**
- 9. This unconstitutional Driver license suspension based on a non validated, not owed, and nonexistent created out of thin air alleged debt put petitioner and her elderly and disabled mother in harm's way. This unconstitutional and non-validated Suspension Order obstructs the petitioner and her elderly mother's rights to liberty, to travel, to work, to maintain the basic necessities of life. It has been used as a form of terrorization and reckless abuse of process by enforcing such an ORDER while having no proof of claim.**
- 10. The reinstatement of Petitioner's license is warranted, needed, and required for Petitioner for the input of justice to minimize the harm and injuries already induced.**
- 11. The unconstitutional suspension of Petitioner's license with no due process and with no validation of the nonexistent debt exemplifies the Respondents' unclean hands with malicious intent to further harm, injure and oppress.**
- 12. Above all, Petitioner believes this unconstitutional license suspension is a cover up for a premeditated diabolical murder plan including the creation of false arrest conditions so Petitioner could be arrested if she drives and her elderly mother attacked and placed in an unwarranted and unnecessary vulnerable position during the premeditated false arrest for driving with an unconstitutionally suspended license.**
- 13. The irreparable harm is established by virtue of the fact that the money damages are ongoing, cumulative and difficult to calculate because Petitioner has been forced to use taxi's and car service from the Bronx to Queens on a regular basis to care for her elderly mother and particularly to deal with emergencies.**

- 14. Furthermore, Petitioner's elderly mother is unable to use public transportation so as care giver and Petitioner, it is critical that the Petitioner's ability to drive is not sabotaged.**
- 15. The harm from the Respondents unconstitutional license suspension cannot be cured solely by money. The injunction is needed to stop the Respondents repeated unconstitutional acts. The threat of irreparable harm includes, induced death, undue hardship on a senior citizen, interruption and obstruction of Petitioner's job to care for her sickly mother.**
- 16. The creation of criminal conditions for arrest by this unconstitutional license suspension exemplifies the use of government agents for terroristic, harmful and unconstitutional premeditated criminal programming defined as a documented and deadly collusion based conspiracy against rights. The Respondents criminal programming puts innocent people in harm's way with no due process and produces criminal conditions for false arrest, unlawful imprisonment, and malicious prosecution.**
- 17. The injuries that the Petitioner will likely suffer if the injunction is not invoked are incalculable while there are no losses or cost by the Respondents as their acts are based on an abuse of process. In fact, this injunction is needed to spare judicial resources associated with false arrest and or malicious prosecution programming should Petitioner be forced to drive in an emergency.**
- 18. In exhibits 1-5, you will see repeated, malicious, non-procedural, and unwarranted Respondents harassing and collusion based on and off driver license suspensions. This Order is needed to stop the Respondents ongoing and repeated wrongful conduct.**
- 19. Petitioner's likelihood of success on the merits is very high because the Respondents collusion based repetitious and non-procedural unconstitutional driver license suspension, particularly the driver license suspension with no notice, reason, cause, or validation, prior to the suspension, interferes with and obstructs constitutional (due process) protections embedded in the Fifth Amendment.**
- 20. The Respondents seizure of Petitioner's driver license rights is a deprivation of property without due process and violates the Fifth Amendment as well as the Fourteenth Amendment.**
- 21. This Order needs to be granted in the furtherance of a positive effect on public interest in that this proposal enforces constitutional and consumer protections embedded in the US Constitution and the FDCPA. Additionally, this Order positively impacts public interest in that it reduces the use of conspiracy against rights programming and targeting and prohibits abuse of authority and**

deviation from the bounds of constitutional programming. This means this Order will help stop the use of government agencies for:

- ✓ Constitutional Violations and Violations of Corporation Regulations and Compliance Policies**
- ✓ Multiple Identity Agents Exceeding Their Legal Authority**
- ✓ Rendering Determinations That Are Arbitrary, Capricious, or an Abuse of Discretion**
- ✓ Making Claims That Are Not Supported By Substantial Evidence**
- ✓ Collusion and Deceit**
- ✓ Suppressing Evidence**
- ✓ Misleading Consumer**
- ✓ Producing False Documents**
- ✓ Extortion**

22. Above all, the balancing of hardships, in regards to this matter, is summarized in the following summary: The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment." Kent v. Dulles, 357 US 116, 125.

23. The Respondents have invoked unwarranted hardship by obstructing due process protections, by not notifying the Petitioner of any suspension prior to suspension. There is no hardship on Respondents as Petitioner had no prior driving problems and the Respondents have produced no evidence or proof of claim of their allegations. The Respondents discriminatorily targeted the Petitioner for this malicious unconstitutional experimental program.

24. Furthermore, January 2014 Petitioner sought a conciliation conference and was told that the suspension would be stopped after her Tax Appeal papers were received by the tax appeals office. Petitioner sent the Tax appeals papers Federal Express to invoke her due process rights and still the non-noticed suspension was not stopped, despite the Tax Respondents knowing they did not send a Notice of suspension and have no proof of service of any notice of suspension prior to the initial suspension of January 2014.

- 25. The Respondents are operating in a sanctionable and contemptuous manner. The Respondents are operating in a most racketeering and corruption manner. They know they have no proof of service of any notice of suspension prior to the suspension of January 2014 and they have criminally, abusively, deliberately, deceitfully, and maliciously not released Petitioner's license using a plan of distortion, deceit, collusion and misrepresentation as summarized in their defective and uncertified Answer.**
- 26. Petitioner is entitled to due process protections embedded in the release of her license and a conciliation conference to deal with the non-validated debt collection allegations.**
- 27. In good faith, Petitioner waited for the required suspension removal and the Respondents knowingly colluded in depriving Petitioner of her right to due process and her right to drive. The Respondents have acted in bad, deceitful and malicious faith.**
- 28. The Respondent's ongoing denial of due process and guaranteed liberty rights and protections requires correction and the need for this injunction outweighs all of the deceit and abuse the Respondents have conspired, stemming with their willful inability to provide proof of service of mailing of their alleged Notice of November 8 2013.**
- 29. In closing, continuation of Respondents deceitful and collusion based conduct will not only harm the Petitioner, but also the public. Constitutional rights will be violated, thus necessitating an injunction in the public interest. No one's license should be suspended without prior notice of suspension and any entity alleging service of notice must be able to produce proof of service of notice. This has not happened in this matter.**
- 30. The "United States Supreme Court" states: The Federal Constitution and laws passed within its authority are by the express terms of that instrument made the supreme law of the land. The Fourteenth Amendment protects life, liberty, and property from invasion by the States without due process of law. Parties whose rights are to be affected are entitled to be heard; and an opportunity to be heard must be granted at a meaningful time and in a meaningful manner.**

Hamdi v. Rumsfeld, 2004.SCT.0000124, 75; 542 U.S. 507 (2004). These essential constitutional promises may not be eroded. The requirement of a meaningful opportunity to be heard must be protected against denial. Boddie v. Connecticut, 1971.SCT.40765 , 27, 31; 401 U.S. 371 (1971). The law recognizes the importance to organized society that these procedural due process rights be scrupulously observed. Carey v. Piphus, 435 U.S. 247, 266 (1978).

- 31. Petitioner has exhausted administrative procedures and still due process rights embedded in the non-seizure of her driver license rights have been denied discriminatorily. Please see exhibits 1- 4.**
- 32. This NYS experimental unconstitutional driver license suspension program with no prior notice of suspension or proof of service of notice before suspension is being implemented in a most unconstitutional and criminal manner. This program needs supervision, accountability, and public transparency. It is being used as a modernized slavery program which targets minorities, further oppresses, advances economic inequality based on fraud, is a criminal plot to escalate targeted people's auto insurance rates, obstructs the validation requirements in the FDCPA and is being used to criminally and unconstitutionally create criminal records and it advances covert killings, as summarized above.**
- 33. The Respondents collusion based license suspension without notice and without proof of mail service of Notice prior to the suspension of January 2014 and without any validation of the claims, coupled with the fact that Respondents have no summons, no complaint, have no real party of interest, have no standing, no capacity to sue or collect anything, the suspension and or levying of any monies is unconstitutional, abusive, deceitful and conspiratorial.**

34. The Respondents failed or refused to perform a duty required by law and that is they failed to provide Notice before suspending petitioner's driver's license and failed to produce proof of their alleged service of Notice. Respondent's method of operation in this matter has been pure constitutional violations embedded in a denial of due process rights to Notice before suspension and levy and a denial of liberty rights. The Respondents unconstitutional Driver license suspension obstructs constitutional law such as the below which states that:

Personal liberty largely consists of the Right of locomotion -- to go where and when one pleases -- only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right of the Citizen to travel upon the public highways and to transport his property thereon, by horsedrawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct." [emphasis added] II Am.Jur. (1st) Constitutional Law, Sect.329, p.1135."

35. The respondents exceeded their legal authority by enforcing the suspension Order with no proof of Notice of November 2013 served on the Petitioner and no proof of claim and by filing an Answer as the disguised real party of interest.

36. The respondent's determination was arbitrary, capricious, and an abuse of discretion as no due process or hearing has ever been held regarding this no proof of claim created out of thin air alleged debt, as the respondents have used legal abuse and organized fraud by not having anything to justify a levy or seizure. Respondents stole Petitioner's money and seized her license with no court Order, no summons, no complaint, no affidavit, no hearing, no Notice before levy or suspension, no real party of interest, no standing, no jurisdiction, no capacity and no valid right to seize or levy. These business tactics are criminal, deceptive, arbitrary and capricious and exemplify an abuse of discretion.

37. The Respondent's non validated claims and suspension Order are not supported by any substantial or admissible evidence, such as an affidavit or affirmation, or seal, or certification or oath. The Respondents have not submitted any proof of claim and or any certification as to the veracity of the allegations. The respondent's determination was not supported by substantial evidence and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of Petitioner's application for a preliminary injunction, pursuant to CPLR 2214(d) the Respondents are restrained and enjoined from sabotaging, suspending and or tampering with Petitioner's diver license particularly while no due process or validation has occurred; and the Respondents are restrained from levying any money from Petitioner until proof of claim and validation under penalty of perjury or oath has been produced it is further

ORDERED that personal service of a copy of this order and annexed affidavit be served upon the Respondents on or before _____ o'clock in the noon, shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED: _____

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**FICTITIOUS RESPONDENTS, ATTORNEYS ACTING AS WITNESSES AND MALICIOUS DEBT
COLLECTORS**

- 1. The Petitioner Miriam Snyder proceeds by way of an Order to Show Cause pursuant to CPLR 2214(d).**
- 2. Pursuant to the below Rules, Petitioner Miriam Snyder, hereby moves the Court to dismiss the Respondents unconstitutional suspension of her driver's license with no Notice and no proof of mailing any Notice of November 8th, 2013 and their extortion claims with prejudice.**
- 3. The Petitioner Miriam Snyder grounds for dismissal of Respondents claims are pursuant to CPLR R§ 3211 include:**

A. Statute of frauds

- B. Lack of subject matter jurisdiction**
- C. Lack of capacity to sue**
- D. Never served the complaint or summons**
- E. Failure to state a cause of action**
- F. Absence of a necessary party**

4. This order to show cause and affidavit in support of dismissal and vacatur of the defraud Respondents Suspension Order and Tax Extortion Claims are pursuant to:

A. CPLR R§ 3211(10) – MOTION TO DISMISS

The court should not proceed in the absence of a person who should be a party. NO REAL PARTY, NO INJURED PARTY

B. CPLR RULE §3211(E) – MOTION TO DISMISS

Undue hardship: OBTRUCTS ABILITY TO DO CARE GIVER WORK, ABUSES THE ELDERLY MOTHER BY NOT HAVING A DRIVER TO TRANSPORT. Respondents Abusive, Vexatious and Malicious Prosecution, Harassment and Replicated Fraud on The Court

C. CPLR RULE 5015 SECTION A3 – Relief From Judgment or Order Based on Fraud, Misrepresentation, or Other Misconduct of An Adverse Party; NO REAL PARTY, NO RESPONDENT SUMMONS OR COMPLAINT FILED IN ANY COURT, NO AFFIDAVITS, NO AFFIRMATIONS, NO VERIFICATIONS

**D. CPLR RULE 5015 SECTION A4 – Relief From Judgment or Order
Lack of Jurisdiction to Render the Judgment or Order. RESPONDENTS HAVE NO STANDING, NO REAL PARTY, NO CAPACITY**

E. CPLR 5015(A) Newly-discovered evidence: ATTORNEY ACTING AS WITNESS AND RESPONDENT, NO CERTIFICATION IN ANSWER, SANCTIONABLE BEHAVIORS, DELAYED DUE PROCESS TO CONTINUE TO SUSPEND LICENSE, NON COMPLIANCE WITH DUE PROCESS PROCEDURES, FILING OF FRIVOLOUS ANSWER WITH NO REAL PARTY OF INTEREST

F. 47 USC § 502 - Violation of Rules, Regulations, Etc

G. 18 USC § 4 - MISPRISION OF FELONY: whoever, having knowledge of the actual commission of a felony cognizable by a court of the united states, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the united states, shall be fined under this title or imprisoned not more than three years, or both.

H. 15 U.S.C. § 1692e - false or misleading representations a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt, emphasis simulating documents intended to appear as court documents;

- I. **15 U.S.C. S § 1692f – UNFAIR PRACTICES RESPONDENTS HAVE INVOKED:**
 § 1692 f Any unfair or unconscionable means to collect or attempt to collect the alleged debt
 § 1692 f(1) Attempt to collect any amount not authorized by the agreement creating the debt or permitted by law
- J. **15 U.S.C. S §1692d: HARASSMENT ENFORCED BY RESPONDENTS: RESPONDENTS HAVE INJURED, OPPRESSED AND HARASSED WHILE COLLECTING THIS NON VALIDATED AND NON EXISTENT DEBT**
- K. **30 Day Validation Notice**
 § 1692 g Failure to send the consumer a 30-day validation notice within five days of the initial communication
 § 1692 g(a)(1) Must state Amount of Debt
 § 1692 g(a)(2) Must state Name of Creditor to Whom Debt Owed
 § 1692 g(a)(3) Must state Right to Dispute within 30 Days
 § 1692 g(a)(4) Must state Right to Have Verification/Judgment Mailed to Consumer
 § 1692 g(a)(5) Must state Will Provide Name and Address of original Creditor if Different from Current Creditor
 § 1692 g(B) Collector must cease collection efforts until debt is validated

L. COMMON LAW FRAUD

M. 15 U.S.C. §1692k: DEBT COLLECTOR CIVIL LIABILITY

N. Paragraph 37 in this affidavit: ENTITLED RELIEF

- 5. The facts in this matter via the Respondents falsified and defective papers conclude that the Respondents had not only failed to comply with the notice provision of the Fair Debt Collection Practices Act, but more importantly, lacked standing to pursue the alleged debt as the Respondents have not properly identified themselves to this Tribunal or to this Petitioner.
- 6. The Respondents frivolous Answer, Unconstitutional Suspension Order and non-validated extortion claims must be dismissed because of their gross violations of the Fair Debt Collection Practices Act, violations of the New York General Business Law § 349 *et seq*, Violations of the Statute of Frauds, Violations of NYS statute of limitations, violations of the 1st, 4th, 5th, 6th, 7th, 9th and 14th NYS and Federal Constitutional Amendments, Deprivation of Constitutional Rights and Privileges, 42 U. S . C. § 1983, Conspiracy to Depriving Persons of Equal Protection of the Laws, 42 U. S. C. § 1985, Intentional Infliction of Emotional Distress, Invasion of Privacy, Negligence, willful, malicious, retaliatory, discriminatory, deceitful, abusive and outrageous debt collection actions against Petitioner.

- 7. The Respondents could not provide this Tribunal with documentary proof of the alleged claim or an Affirmation or Affidavit in the instant action establishing Respondents prima facie case, including the contract or account number of the debt alleged, because the Respondents are not the Real Parties of Interest and are acting as Fictitious Respondents.**
- 8. If Respondents were the real parties and not fictitious Respondents, a real party affidavit of merit would have been easily accessible and submitted to the Tribunal, as required under the law.**
- 9. Instead the fictitious Respondents noted above submitted an Answer with no certification, no affidavit and no affirmation and such Answer was filed in the Tax Appeals Tribunal and sent to the Petitioner as a false instrument. The Respondents Answer obstructed the statutory Certification rules. All of these facts show that in this instant case there was never any meritorious intent. All of the acts were undertaken deceptively and to primarily harass and maliciously injure the Petitioner and the criminals did so by effectuating an erroneous scheme to defraud vicious and malicious Suspension Order and levy on Petitioner's money.**
- 10. Under the circumstances presented in this matter, the Respondents did not and could not have properly certified the Answer filed in the instant action because the Respondents Answer is frivolous with intent to harass, oppress, and create injurious motor vehicle records of suspension for the specific purpose of further oppression and harassment.**
- 11. The Respondents Answer is in violation of 22 NYCRR § 130 -1.1-a requires that "by signing a paper, an attorney or party certifies that, to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, (1) the presentation of the paper or the contentions therein are not frivolous as defined in subsection 130-1.1(c)." 22 NYCRR § 130 -1.1(c) defines conduct as frivolous if:

 (1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law; (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or (3) it asserts material factual statements that are false."**
- 12. The Respondents Answer and claims are completely without merit as exemplified in its deliberate certification and affirmation defect. Respondents cannot show prima-facie evidence to bring or enforce their claims nor has the Respondents offered any proof of claims.**

13. The Respondents failure to state a cause of action or claim upon which relief can be granted is exemplified in the fact that there is no summons, no complaint, no real party of interest, no contract, and no documentary link or other sufficient showing of standing.
14. The Respondents cannot demonstrate their status as the holder of any contract, a non-holder with possession of the contract, or that the original contract was lost, as required under the Uniform Commercial Code.
15. The Respondents defective papers, including their unconstitutional Suspension of January 2014 up to present, constitute serious misrepresentation and construed fraud upon the court.
16. These attorney acts are criminal, calculated and violate Judiciary Law § 487. These deceptive attorney acts establish intent to deceive.
17. N.Y. Judiciary Law § 487 *inter alia* provide that an attorney is guilty of a misdemeanor and is liable for treble damages to the aggrieved party if the attorney: "... is guilty of any deceit or collusion, or consents to any deceit or collusion, with the intent to deceive the court or any party." See McKinney's Judiciary Law § 487; see also Oakes v. Muka, 56 A.D.3d 1057, 868 N.Y.S.2d 796 (3d Dept. 2008).
18. In this matter, the Respondents claims, levy and Order to suspend are insufficient, fraudulent, based solely on conclusory statements, and unsupported by factual allegations or evidence. The Respondents claims must be dismissed with prejudice. Please see: Melito v. Interboro Mut. Indem. Ins. Co, 73 AD2d 819, 820.
19. There was and is no jurisdiction or rule allowing the Respondents legal abuse, deceit, and misrepresentations. The suspension Order and the levying of Petitioner's bank account were done with no due process, no hearing, no prior notice, and Respondent acts were and are arbitrary, capricious, and exemplify a gross abuse of discretion.
20. The files show that the Respondents failed to offer proof that the mailing of process was made by first class mail and or certified mail, as required. The Respondents have nothing to validate the alleged mailing of any Notice dated November 8th 2013 and Petitioner demands dismissal of the suspension Order based on such and objects to any deviation from this lack of Respondent proof.
21. In summary, the alleged Petitioner was never served any papers regarding the Suspension Order prior to the suspension of January 2014.. She was notified of the Suspension Order via the Suspension. The Respondents failed to comply with any of the NYS Tax Notice and debt collection provisions of the Fair Debt Collection Act.

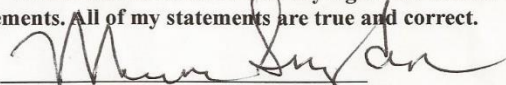
- 22. The Petitioner Miriam Snyder invokes the attached counter claim for the attorneys' vexatious, unscrupulous, deceptive and scandalous NO PROOF OF CLAIM debt collection practices that have terrorized and assaulted the Petitioner.**
- 23. Failure to provide Full Disclosure is Fraud, predicated upon violation of Due Process of Law.**
Fraud is gaining at the loss of another using trickery or deception. Fraud vitiates a Contract. Since the above actions were a nullity, no valid Order was secured in this matter and therefore the Respondents actions in obtaining any Order and securing a bank account order violated §1692e and 1692f of the FDCPA.
- 24. The Respondents false instruments filed in the tribunal and to seize Petitioner's license rights and money, coupled with, no seal, and non-authenticated Orders and Answer, exemplify fraud in and on the court. Above all, this dismissal is required under the statute of fraud. No written note or memorandum of agreement exists that is signed by the persons bound by the alleged contract's terms or their authorized representatives.**
- 25. Please take judicial notice that the Court of Appeals (Judge Susan Phillips Read, writing for a unanimous 6-0 Court) ruled that Judiciary Law § 487 does not derive from common law fraud, but instead evolved from and can be traced back to the First Statute of Westminster (a statute enacted by the English Parliament at Westminster in 1275 during the reign of King Edward I). (The 1275 Statute, which dealt with many facets of English Civil and Criminal law, inter alia set penalties of imprisonment for a year and a day and a lifetime ban from court for pleaders engaging in "any manner of Deceit or Collusion in the King's Court" or efforts to "beguile the Court" or parties to its proceedings).**
- 26. Accordingly, the New York Court of Appeals held that § 487 is a "unique statute of ancient origin" and not a codification of common law fraud. Thus, Judge Read wrote, "The operative language at issue, 'guilty of any deceit,' focuses on the attorney's intent to deceive, not the deceit's success" [emphasis added]. Judge Read continued that to limit forfeiture of treble damages under § 487 to only successful deceptions would "run counter to the statute's evident intent to enforce an attorney's special obligation to protect the integrity of the courts and foster their truth-seeking function."**

27. By finding that deceitful conduct need not be successful to fall under the forfeiture ambit of § 487, Read, answering the second certified question, found that recovery of treble damages does not depend on whether or not a court was able to 'see through' the attempted material misrepresentation of fact in a complaint (the mere existence of such misrepresentation was sufficient). The Court of Appeals' February 12, 2009 Opinion can be found at: http://www.nycourts.gov/reporter/3dseries/2009/2009_01069.htm (2009 NY Slip Op 01069).
28. In closing, a party guilty of fraud or misconduct in prosecution of civil proceedings should not be permitted to continue to employ the judiciary to achieve its ends where Petitioner ask the court for immediate relief and protection.
29. Wherefore, Miriam Snyder, demands that as a matter of law this Tribunal dismisses the Respondents scheme to defraud Suspension Order and extortion claims with no proof, with prejudice and, invoke the attached counterclaim.
30. Petitioner request the administrative judge to declare the unconstitutional Suspension Order and the levying Order VOID and issue an order “DIRECTING respondents to restore petitioner’s Driver’s license and return money Respondents stole, at minimum until Respondents produce proof of claim under penalty of perjury.
31. I, Miriam Snyder submit this Reply Order to Show Cause under penalty of perjury and with the below certifying statements that all of the above statements of fact are true and correct and are verifiable pursuant to the below Affidavit/Affirmation summary.

ORDER TO SHOW CAUSE AFFIDAVIT/AFFIRMATION

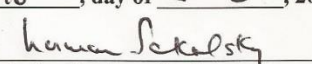
I Miriam Snyder write this Affidavit in support of the attached Order to Show Cause documenting the irreparable undue hardship the Respondents unconstitutional and extortion based suspension of license without Notice prior to suspension has caused the Petitioner, including the harm and abuse inflicted on Petitioner's elderly mother as Petitioner is driver and care taker for her elderly mother. On the 16th day of June 2014, I, Miriam Snyder hereby affirm that the above statements in this Affidavit and in the attached Order to Show Cause are true, correct and summarize the financial crimes and terrorizations inflicted on Miriam Snyder by organized crime financial criminals in the STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE.

I hereby further affirm that the basis of these statements is my own direct knowledge, experience, and historical facts involved. This notarized affidavit with my signature verifies the truth in my sworn statements. All of my statements are true and correct.


Affiant and Petitioner, All Rights Reserved.

Miriam Snyder
3230 Cruger Avenue 6B
Bronx, New York 10467
516 642 6007

Affirm before me 16, day of JUNE, 2014

Notary Signature 

Commission Expires: Seal

JUNE 16, 2016

NORMAN SAKOLSKY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SA6188758
Qualified in Suffolk County
My Commission Expires June 16, 2016



CERTIFICATE OF MAILING

I, MIRIAM SNYDER, CERTIFY THAT ON THE 18TH DAY OF JUNE 2014 I FAXED AND MAILED A COPY OF THE ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER AND THE AFFIDAVIT IN SUPPORT

TO:

MICHELE W. MILAVEC AND AMANDA HILLER, COUNSELORS
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE,
THOMAS MATTOX, COMMISSIONER, THOMAS.MATTOX@TAX.NY.GOV.
NYS DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF THE DEPUTY INSPECTOR GENERAL
BUILDING 9 - ROOM 481
W.A. HARRIMAN CAMPUS
ALBANY, NEW YORK 12227
FAXED TO: 518 435 2942 AND 518 485 8679

SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12227

FAXED AND OR EMAILED TO:

Bureau of Consumer Protection,
COMPLAINT@FTC.GOV
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580 (202) 326-2222

The Honorable Andrew M. Cuomo:
gov.cuomo@chamber.state.ny.us
Governor of New York State
NYS State Capitol Building
Albany, NY 12224
FAX: (518)474-3767

Mr. Schneider, NYS Attorney General,
nysattorneygeneral@public.govdelivery.com
Office of the Attorney General
The Capitol Albany, NY 12224-0341

US Congressman Schumer
senator@schumer.senate.gov
780 Third Avenue
Suite 2301
New York, NY 10017
Phone: 212-486-4430
Fax: 212-486-7693

Congressman Eliot Engle
Congressman_Engel@houseemail.house.gov
3655 Johnson Avenue
Bronx, NY 10463
Phone : (718) 796-9700
Fax: (718)796-5134

FBI New York
26 Federal Plaza, 23rd Floor
New York, NY 10278-0004
Phone: (212) 384-1000
Fax: (212) 384-4073 / 4074
E-mail: ny1@ic.fbi.gov



**SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12223**

MIRIAM SNYDER

DTA# 826108

PRO SE PETITIONER

VS.

**DISCOVERY NOTICE, MOTION TO COMPEL AND
DEMAND FOR DOCUMENTS IN REPLY TO THE
RESPONDENTS EXTORTION CLAIMS AND THEIR
UNCONSTITUTIONAL AND NEVER SERVED NOTICE
AND NO PROOF OF SERVICE DRIVER LICENSE
SUSPENSION NOTICE ALLEGED DATE OF
NOVEMBER 8TH 2013**

**AMANDA HILLER, INDIVIDUALLY AND AS DEPUTY COMMISSIONER AND COUNSELOR
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE, MICHELE W. MILAVEC
INDIVIDUALLY AND AS SENIOR ATTORNEY STATE OF NEW YORK DEPARTMENT OF
TAXATION AND FINANCE, KEVIN ID # 5470 INDIVIDUALLY AND AS MEMBER OF THE STATE
OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE AND THE STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE**

**FICTITIOUS RESPONDENTS, ATTORNEYS ACTING AS WITNESSES AND MALICIOUS DEBT
COLLECTORS**

In good faith, the respondents are granted ten (10) days from the date of mailing of this NOTICE AND DEMAND in which to comply by providing the documents demanded herein. Should respondents decide not to comply and provide the documents demanded, which the Respondents as DEBT COLLECTORS, attorney, and fiduciary of the Public Trust are required to provide, then take NOTICE that any subsequent injury caused by the respondents continued illegal and unlawful and dishonest acts of commission or omission will result in the respondents being held personally liable.

As attorneys and debt collectors well trained in the law, you know, should know, or have reason to know the law regarding FDCPA, 15 USC § 1692 et seq.; RICO, 18 USC § 1961 et seq.; TILA, 15 USC § 1601 et seq.; the Securities Act of 1933; and the Hobbs Act, 18 USC 1951, as well as the laws regarding principal and agent, and agency.

Further, as attorneys highly skilled in the law ostensibly representing a Securities Trust, viz State of New York Department of Taxation and Finance, Respondents know, should know, or have reason to know the mechanics, process, procedures, delivery of documents, et cetera set forth and required by the Servicing Agreement and the Prospectus, as well as the local law of the situs of the Trust.

And undoubtedly Respondents, as attorneys know, should know, or have reason to know the DR's by which they are governed, not the least of which is: "A lawyer shall not ... Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

Since Amanda Hiller and Michele W. Milavec, attorneys and debt collectors, are alleging themselves to be agents for the State of New York Department of Taxation and Finance, As Trustees ...", then as Agents for the Trustees, Respondents know, should know, or have reason to know the following:

1. Amanda Hiller and Michele W. Milavec, are required to have a written agency relationship with any legal fiction that Attorney contracts with to represent, including but not limited to the State of New York Department of Taxation and Finance.
2. Attorneys and Respondents Amanda Hiller and Michele W. Milavec, lack "legal competence" to act as witnesses. They lack personal, first-hand knowledge of the facts of the UNKNOWN REAL/INJURED PARTY CASES. They lack the requisite "competence" to testify. The only people who can testify to facts are people who have "personal, first-hand knowledge" of the facts and they do not as exemplified in their attached frivolous Answer with no proof of anything.
3. There is no admissible evidence anywhere of any proof of service of mailing sent to Miriam Snyder of any Notice of Proposed Driver License Suspension Referral Allegedly dated November 8, 2013.
4. There is no Power of Attorney, filed anywhere, pursuant to any Law, Rule, Regulation or Ordinance which permits the alleged above noted debt collectors and attorneys who do not have first-hand knowledge of the facts to testify, disguise real parties, and or make an Affirmation in the matter of this issue.
5. There is no admissible evidence anywhere showing that the Respondents in this claim are real persons, entities, corporation or otherwise legal fictions authorized to conduct business in the CITY OF NEW YORK, NEW YORK, NY, NYC, NYS or NEW YORK STATE.
6. There is no real party in interest and Petitioner objects to this respondent ambiguity rooted in the purported tax respondents/plaintiffs concocted while they are not the "real party in interest". Petitioner adamantly objects to the entertaining of this case with no "real party in interest" and demands that the real party in interest be identified in writing.
7. There is no evidence anywhere of any Respondent billing statements that could show lawful accounting, specifically showing how the nonexistent debt was created and who funded the alleged debt of which the alleged Respondents are claiming.
9. There is no admissible evidence anywhere that could show that the Respondents submitted a counter-affidavit rebutting point-for-point, the petitioner's Petition and affidavit to dismiss action based on lack of persona and subject matter jurisdiction, therefore the petitioner's unrebutted affidavit stands as a judgment in this matter.

10. June 7, 2014 the Petitioner received the Respondents Defective unauthorized third party Respondent Answer with no real party of interest, no affidavit, no affirmation, and no validity. The attorneys refusal to certify the merits of their Answer is a violation of 22 NYCRR § 130 -1.1. The attorney's refusal to sign and certify the merits of their Answer is a violation of the above noted law. The law provides sanctions for violation of the certification rules. The respondents failed or refused to perform a duty required by law.
11. Petitioner objects to the Respondents defective Answer and Claims with no complaint and seeks the dismissal of such as their documents are obstructive and serve no other purpose but to delay, harass, oppress and extort..
12. Respondents failed to attach documents and any proof of claim while they steal and obstruct Petitioners right to drive and have money. Failure to attach documents such as an alleged proof of service of their alleged Notice of November 8, 2013 and failure to produce any proof of claim is clear abuse of process, malice, deceit, bad faith and is contemptuous. Respondent's determinations are not supported by substantial evidence.
13. The Respondents actions, as stated above, constitutes a violation of FDCPA §1692d since their natural consequences were calculated to harass, oppress and abuse the Petitioner without authority of law.
14. Under the circumstances presented in this matter, the Respondents did not and could not have properly certified the Answer or their extortion claims in the instant action. 22 NYCRR § 130 -1.1-a requires that an attorney or party certifies that, to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, (1) the presentation of the paper or the contentions therein are not frivolous as defined in subsection 130-1.1(c)." 22 NYCRR § 130 -1.1(c) defines conduct as frivolous if:
- (1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law; (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or (3) it asserts material factual statements that are false."
15. The alleged Respondents cannot show prima-facie evidence to bring any claim against Petitioner as the alleged Respondents offer no proof of real party or ownership of the alleged obligation that is the subject of this claim. The alleged Respondents have not produced a contract that reflects a possible agreement with the alleged Petitioner. The contract the allege Respondents are using is unseen, invisible and not attached to any of their extortion claims or Answer, and thus the alleged Respondents have failed to state a cause of action. Again, their claims are not supported by substantial evidence.
16. Respondents failure to state a cause of action or claim upon which relief can be granted is exemplified in the fact that there is no documentary link or other sufficient showing of standing.
17. The alleged Respondents could not demonstrate its status as the holder of any contract, a non-holder with possession of the contract, or that the original contract was lost, as required under the Uniform Commercial Code.
18. The alleged respondent's defective papers constitute serious misrepresentation and construed fraud upon the court. Please take judicial notice that there is no identification of the Respondents and Petitioner objects to such. The Respondents names are not set off or specified within the body of the

Answer or in any other pleading nor is any description provided to explain the legal nature of the entity. Such deceit is objected to.

DEMAND/MOTION TO COMPEL

Therefore, since Amanda Hiller and Michele W. Milavec, attorneys and debt collectors have used the United States mail and sent me several fictitious and collusion with DMV extortion claims including the malicious suspension of my driver's license with no notice prior to suspension of January 2014, which I deem to be in violation of the law, and, I have no contractual relationship with Respondents, and, I lack sufficient information or knowledge regarding Respondents insinuation into my private affairs on behalf of others with whom I have no contract, I DEMAND that forthwith, but certainly no longer than ten (10) days of the date of this mailing, Respondents, Amanda Hiller and Michele W. Milavec, attorneys and debt collectors provide me the following:

1. Respondents proof of mailing of the alleged November 8, 2014 Notice.
2. Respondents' affidavit or affirmation verifying the veracity in their Answer and all extortion claims to be signed under oath pursuant to: 1976—Pub. L. 94—455, §1906(a)(6), provisions requiring that any return, statement, or other document to be made under provision of the internal revenue laws or regulations shall be verified by an oath.
3. Please produce the below State of New York Department of Taxation and Finance Corporation's records:
 - a. FR 2046 balance sheet,
 - b. 1099-OID report,
 - c. S-3/A registration statement,
 - d. 424-B5 prospectus and RC-S & RC-B Call Schedules
4. A certified copy of the delegation of authority to Amanda Hiller and Michele W. Milavec signed by an authorized officer of the State of New York Department of Taxation and Finance Corporation authorizing Amanda Hiller and Michele W. Milavec to represent said State of New York Department of Taxation and Finance Corporation, i.e., proof of agency relationship authorizing Amanda Hiller and Michele W. Milavec to seize property of Miriam Snyder on behalf of the State of New York Department of Taxation and Finance Company, Trustee.
5. A certified copy of the Power of Attorney signed by an authorized officer of State of New York Department of Taxation and Finance Corporation authorizing Amanda Hiller and Michele W. Milavec to collect on a matter which the State of New York Department of Taxation and Finance Corporation had no interest in since prior to November 2004.
6. A certified copy of the delegation of authority by an authorized officer of the State of New York Department of Taxation and Finance Corporation evidencing that Amanda Hiller and Michele W. Milavec were employees of the State of New York Department of Taxation and Finance Corporation.

- 7. Evidence by way of a certified copy of the 1st quarter 2013 Form 941 filed with the IRS by Form 941 filed with the IRS and the 2013 W-2 filed with the IRS for Amanda Hiller and Michele W. Milavec evidencing that they were in fact employees of the State of New York Department of Taxation and Finance Corporation.**
- 8. A copy of the INDIVIDUAL MASTER FILE (IMF) with the decoding codes pursuant to the 1998 Tax Reform and Restructuring Act.**
- 9. A copy of the valid, procedurally proper, executed Assessment Certificate and supporting documentation for the principal for each class of tax assessed as required by 26 USC §6203, and 26 C.F.R. §301.6203-1 which pertains to the Requester. I am not interested in a copy of the phony assessment documents.**
- 10. A copy of documents and information of all exculpatory evidence supporting the record of assessment and supporting documentation for the interest for each class of tax assessed as required by 26 U.S.C. §6203, and 26 C.F.R. § 301.6203-1. I am not interested in a copy of the phony assessment documents created in the tax Manual and or Handbook 1.**
- 11. A copy of documents and information of all exculpatory evidence supporting the record of assessment and supporting documentation for the penalty for each class of tax assessed as required by 26 U.S.C. §6203, and 26 C.F.R. § 301.6203-1. I am not interested in a copy of the phony assessment documents created in any tax Manual, Handbook [1.3] -- Disclosure of Official Information.**
- 12. A copy of dated NYS “Notice of Assessment and Demand”.**
- 13. A copy of the dated “Second Notice of Assessment and Demand”.**
- 14. A copy of the dated assessments executed under penalty of perjury.**
- 15. A copy of the “Recommendation for Jeopardy or Termination Assessment” (or its successor) issued against the petitioner clearly listing the Document Locator Number (DLN) and the Certificate of Assessment data.**
- 16. A copy of the “Request for Quick or Prompt Assessment” (or its successor).**
- 17. A copy of the IRS Form 3210 “Document Transmittal” (or its successor) in conjunction with "Fax Quick Assessment" procedure sent to the Accounting Branch in the Computer Services and Accounting Division.**
- 18. A copy of the Master File (MF) assessment provided to the ESP by the service center.**
- 19. A copy of the Non-Master File (NMF) assessment provided to the ESP by the service center.**
- 20. If a Master File assessment was provided, then a copy of the “Prompt Assessment Billing Assembly” (or its successor form), or the comparable TY-26 Form 17-A Statement of Tax Due (or its successor).**
- 21. A copy of “Certificates of Assessments and Payments”.**

- 22. A copy of the “Income Tax Examination Changes” (or its successor) containing the portion of the Tax Computation and copy of narrative sent to the service center Accounting Branch, Accounting and Control System, Journal and Ledger Unit.**
- 23. A copy of the “Notice of Deficiency-Waiver” clearly indicating the class of tax from a specific taxable source (activity, event or commodity) upon which an excise tax can be measured to create a tax liability for a procedurally lawful, enforceable assessment.**
- 24. If a Non-master file assessment was provided, then a copy of the “Statement of Tax Due (or its successor).**
- 25. A copy of the “Revenue Accounting Control System Input Reconciliation Sheet”.**
- 26. A copy of any and all lawful Jeopardy Assessments.**
- 27. A copy of any and all lawful Termination Assessments.**
- 28. A copy of any and all lawful Quick Assessments.**
- 29. A copy of any and all lawful Prompt Assessments.**
- 30. A copy of any and all lawful deficiency assessments.**
- 31. A copy of any and all lawful, procedurally proper assessments with supporting documents for each non-tax penalty items, such things as frivolous filing, etc.**
- 32. A copy of any and all lawful, procedurally proper assessments with supporting documents for each non-tax penalty interest.**
- 33. A copy of the Postal Form registered mailings are kept track of on when the NYS Department of Taxation is placing tax liens on property.**

State of New York)

) ss

County of Queens)

AFFIRMATION

On this day of the 16th of June 2014 I, Miriam Snyder hereby affirm that the above statements in this DISCOVERY NOTICE/MOTION TO COMPEL AND DEMAND FOR DOCUMENTS IN REPLY TO THE RESPONDENTS EXTORTION CLAIMS AND THEIR UNCONSTITUTIONAL AND NEVER SERVED NOTICE AND NO PROOF OF SERVICE DRIVER LICENSE SUSPENSION NOTICE ALLEGED DATE OF NOVEMBER 8TH 2013, these statements are true, correct and summarize the enjoinder of the NYS Department of Taxation in a well-documented and deadly conspiracy against rights embedded in the targeting of me and enforcement of obstruction of the rule of law. In this matter the obstruction of tax laws is being done under the disguise of no proof of mail service of a non existent alleged Notice of November 8, 2013 that I never received.

The NYS Tax Department extortion crimes, theft of my money and license rights, with no standing, no capacity to sue or steal my money, no real party of interest, no complaint, and no affidavit or affirmation, exemplify STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE FINANCIAL TERRORISM AND ORGANIZED EXTORTION AND COLLUSION CRIMES. Criminal reports will be forwarded to the FBI and Department of Justice as well as motions for sanctions in an attempt to stop this terrorism and theft. I seek an end to this terrorism I have endured. I hereby further affirm that the basis of these statements is my own direct knowledge, experience, and historical facts involved. The above is stated under penalty of perjury.

PETITIONER AND AFFIANT: _____

MIRIAM SNYDER, ALL RIGHTS RESERVED.

Norman Sakolsky
NOTARY PUBLIC

NORMAN SAKOLSKY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SA6188758
Qualified in Suffolk County
My Commission Expires June 16, 2016

[SEAL]

CERTIFICATE OF MAILING

I, MIRIAM SNYDER, CERTIFY THAT ON THE 18TH DAY OF JUNE 2014 I FAXED AND MAILED A COPY OF THE ABOVE DISCOVERY NOTICE, MOTION TO COMPEL AND DEMAND FOR DOCUMENTS IN REPLY TO THE RESPONDENTS EXTORTION CLAIMS AND THEIR UNCONSTITUTIONAL AND NEVER SERVED NOTICE AND NO PROOF OF SERVICE DRIVER LICENSE SUSPENSION NOTICE ALLEGED DATE OF NOVEMBER 8TH 2013

TO:

MICHELE W. MILAVEC AND AMANDA HILLER, COUNSELORS
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE,
THOMAS MATTOX, COMMISSIONER, THOMAS.MATTOX@TAX.NY.GOV.
NYS DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF THE DEPUTY INSPECTOR GENERAL
BUILDING 9 - ROOM 481
W.A. HARRIMAN CAMPUS
ALBANY, NEW YORK 12227
FAXED TO: 518 435 2942 AND 518 485 8679

SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12227

FAXED AND OR EMAILED TO:

Bureau of Consumer Protection,
COMPLAINT@FTC.GOV
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580 (202) 326-2222

The Honorable Andrew M. Cuomo:
gov.cuomo@chamber.state.ny.us
Governor of New York State
NYS State Capitol Building
Albany, NY 12224
FAX: (518)474-3767

Mr. Schneider, NYS Attorney General,
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Office of the Attorney General
The Capitol Albany, NY 12224-0341

FBI New York
26 Federal Plaza, 23rd Floor
New York, NY 10278-0004
Phone: (212) 384-1000
Fax: (212) 384-4073 / 4074
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US Congressman Schumer
senator@schumer.senate.gov
780 Third Avenue
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Phone: 212-486-4430
Fax: 212-486-7693

Congressman Eliot Engle
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Bronx, NY 10463
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**SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12223**

MIRIAM SNYDER

DTA# 826108

PRO SE PETITIONER

VS.

**COUNTERCLAIM AND AFFIDAVIT OF SPECIFIC
NEGATIVE AVERMENT IN REPLY TO THE
RESPONDENTS UNCONSTITUTIONAL AND NEVER
RECEIVED NOTICE AND NO PROOF OF SERVICE
DRIVER LICENSE SUSPENSION NOTICE ALLEGED
DATE OF NOVEMBER 8TH 2013**

**AMANDA HILLER, INDIVIDUALLY AND AS DEPUTY COMMISSIONER AND COUNSELOR
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE, MICHELE W. MILAVEC
INDIVIDUALLY AND AS SENIOR ATTORNEY STATE OF NEW YORK DEPARTMENT OF
TAXATION AND FINANCE, KEVIN ID # 5470 INDIVIDUALLY AND AS MEMBER OF THE STATE
OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE AND THE STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE**

**FICTITIOUS RESPONDENTS, ATTORNEYS ACTING AS WITNESSES AND MALICIOUS DEBT
COLLECTORS**

**COUNTERCLAIM AND AFFIDAVIT OF SPECIFIC NEGATIVE
AVERMENT**

This Affidavit of Specific Negative Averment has been commenced against the above noted respondents by way of a counterclaim pursuant to (Civil Practice Law and Rule Article 30 § 3019, 3020). If Respondents fail to defend this counterclaim, judgment may be given against them in their absence after being served and a proof of service received to confirm their receipt.

If the above noted Respondents decide to settle/pay the amount of the counterclaim, by specific agreement including their signature validating such agreement, they will also need to withdraw their fictional claims which this action is being brought against. Negotiations are open for discussion by Mail.

AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT

Pursuant to (Civil Practice Law and Rules, Article 10 § 1012 and 1013), I Miriam Snyder hereby claim to the best of my knowledge, information and belief that:

1. I, Petitioner Miriam Snyder have no knowledge, belief, evidence, proof or record that I, Petitioner Miriam Snyder was notified of any driver license suspension prior to the above Respondents collusion based unconstitutional driver license suspension. There is no evidence anywhere of any proof of service of any Notice of Proposed Driver License Suspension Referral Allegedly dated November 8, 2013.
2. I, Petitioner Miriam Snyder have no knowledge, belief, evidence, agreement or Power of Attorney, filed anywhere, pursuant to any Law, Rule, Regulation or Ordinance which permits the alleged above noted debt collectors and attorneys who do not have first-hand knowledge of the facts to make an Answer or act as Respondents in the matter of this issue.
3. I, Petitioner Miriam Snyder have no knowledge, belief, or record that the Respondents in this claim are real persons, entities, corporation or otherwise legal fictions authorized to conduct business in the CITY OF NEW YORK, NEW YORK, NY, NYC, NYS or NEW YORK STATE.
4. I, Petitioner Miriam Snyder have no knowledge of the real party in interest and object to this respondent ambiguity rooted in the purported tax respondents who are not the “real party in interest”. Petitioner adamantly objects to the entertaining of this case with no “real party in interest” and demands that the real party in interest be identified in writing.
5. I, Petitioner Miriam Snyder have no knowledge, belief, or record that the above respondents follow Ordinandi Lex.
6. I, Petitioner Miriam Snyder have no knowledge, belief, or record that the Petitioner did not send to the above respondents numerous letters requesting lawful evidence of notice and proof of service of the Notice of suspension prior to the unconstitutional suspension of January 2014.
7. I, Petitioner Miriam Snyder have no knowledge, belief, or record that the Petitioner did not send correspondences to the respondents requesting lawful accounting documentation, assessment certifications, and validation related to the alleged and nonexistent tax debt on several dates.
8. I, Petitioner Miriam Snyder have no knowledge, belief, or record that the Petitioner did not express to the Respondents that billing statements do not show lawful accounting, specifically showing how the alleged debt was created and who funded the alleged debt of which the alleged Respondents are claiming.
9. I, Petitioner Miriam Snyder have no knowledge, belief, or record that the above named Respondents submitted a counter-affidavit rebutting point-for-point, the petitioner’s Petition and affidavit to dismiss Respondents unsubstantiated Determinations based on lack of persona and subject matter jurisdiction, therefore the petitioner’s unrebutted affidavit stands as a judgment in this matter.

10. **I, Petitioner Miriam Snyder have no knowledge, belief, or record that the Respondents did not mail an intentional defective Answer to the Petitioners address that caused shock, annoyance and irritation.**
11. **I, Petitioner Miriam Snyder have no knowledge, belief, or record that the above Respondents did not violate section 809 of the Fair Debt Collection Practice Act by failure to validate the alleged debt by directly not answering the questions in my letter of validation demand for accounting information in relation to this alleged account/debt and continue with further collection attempts.**
12. **I, Petitioner Miriam Snyder have no knowledge, belief, or record of any admissible evidence that supports the respondent's driver license suspension notice claim and their tax extortion claims.**
13. **I, Petitioner Miriam Snyder have no knowledge, belief, or record of any Notice of Proposed Driver License Suspension Allegedly dated November 8, 2013 and have no evidence of any proof of service of such.**
14. **I have no knowledge, belief, or record that the Respondents reported this debt as disputed.**
15. **I have no knowledge, belief, or record that the Respondents are exempt from the Fair Debt Collection Practices Act § 807, False or misleading representations [15 USC 1962e].**
16. **I have no knowledge, belief, or record of any evidence in support of the creation of this alleged debt, which was requested of the Respondents in a request for validation pursuant to the Fair Debt Collection Practice Act § 809.**
17. **I have no knowledge, belief, or record that the Attorney Respondents refusal to certify the merits of their Answer is not a violation of FRCP 11 and or was done in good faith.**
18. **I have never been presented with any proper commercial paperwork to support the Respondents Assessment.**
19. **I have never seen any sworn Affidavits, Commercial Affidavits that would provide validity to the Respondents Claims. It is my best and considered judgment that no such paperwork or Affidavits exist.**
20. **Again, should you consider my position in error, Respondents Commercial Affidavit of Truth which rebuts the Petitioner Affidavit point-for-point, with the real Liens, the real Assessments, the real True Bill in Commerce, the real sworn Affidavits that would make the Respondents claims on Petitioner VALID, are welcomed.**
21. **Please note that an unrebutted Affidavit stands as THE TRUTH IN COMMERCE and such will be filed across New York State until these organized fraud, induced poverty, modernized slavery, illusion of legality, and non-authenticating financial crimes and terrorizations are stopped.**

RELIEF

WHEREFORE the Petitioner Miriam Snyder, based on substantial evidence, demands judgment against the above noted Respondents in the amount of \$25,000.00 and immediate dismissal of the Respondents out of thin air concocted and not supported by substantial evidence Suspension Order and tax extortion Claims with prejudice.

I hereby and herein reserve the right to amend and make amends to this Affidavit of Specific Negative Averment as necessary in order that the truth may be ascertained and proceedings justly determined. If Respondents have any information that will controvert and overcome this affidavit point for point, please advise the Petitioner in written affidavit form within 10 days from receipt hereof and provide the Respondent counter affidavit stating all requisite actual evidentiary fact and not merely unsubstantiated statements.

Respondents silence and failure to respond by TACIT PROCURATION will constitute COLLATERAL ESTOPPEL, AND ESTOPPEL BY ACQUIESCENCE that Respondents presumptions are unfounded and that their burden of prove shifting has been reversed back to them based on their premeditated coercion scam to defraud using presumptions and illusions of legality.

Respondents are unable to produce proof of service of any Notice of Proposed Driver License Suspension Referral allegedly dated November 8, 2013, unable to produce a Real Party of Interest and Respondents have not and cannot produce proof of the alleged debt or support their nonexistent claims. These respondent acts exemplify an abuse and exceed of authority, determinations that are arbitrary, capricious, and an abuse of discretion and the respondents determinations are not supported by lawful evidence.

Petitioner Miriam Snyder seeks to recover damages for the below personal injuries inflicted due to the Respondents frivolous claims pursuant to CPLR 8303-a and Part 130 for frivolous claims and conduct and particularly for the injuries inflicted on her elderly mother which paves the way for a wrongful induced death. Should anything happen to petitioner's mother it is a direct impact of this induced undue hardship unconstitutional Driver license Suspension which obstructs petitioner's ability to transport and care for her elderly and disabled mother.

Petitioner Miriam Snyder invokes this counterclaim against Respondents for their continual enforcement of unregulated organized fraud disguised as Suspension Orders, determinations and claims, while Respondents stole Petitioner's money via a no Court Order levy, suspended her driver's license with an

illusion of legality Order, while Respondents have no summons, complaint, standing, capacity, proof of claims or alleged notice service prior to suspension. Pursuant to CPLR §3019, Counterclaims, Petitioner seeks relief from the Respondents:

- Extortion;
- Breach of Privacy Acts;
- Harassment and terrorization with intent to harm, terrorize, threaten and alarm;
- Attorneys Falsely stating Damages,
- Actual damages including: Stress related injuries
 - i. Crying;
 - ii. Nightmares; insomnia, night sweats;
 - iii. Emotional paralysis;
 - iv. Inability to work;
 - v. Headaches;
 - vi. Shortness of breath;
 - vii. Anxiety, nervousness; fear and worry;
 - viii. Hypertension (elevation of blood pressure);
 - ix. Irritability;
 - x. Hysteria;
 - xi. Embarrassment, humiliation;
 - xii. Indignation and pain and suffering.
- Monetary damages:
 - xiii. Payment of a debt barred by the statute of limitations;
 - xiv. Garnishing Petitioner's bank account unlawfully effectuating a malicious ouster by obstructing the FDCPA;
- Attorney/administrative fees to defend this suit Damages for intentional infliction of emotional distress generally (see below).
- As well as other claims,

Miriam Snyder seeks the court to award her entitled relief via her counterclaim pursuant to:

- ✓ N.Y. Gen. Bus. Law §§ 349(a), 350-a(1) prohibit deceptive acts
- ✓ N.Y. Gen. Bus. Law § 349(b); Restitution for consumers,
- ✓ N.Y. Gen. Bus. Law § 350-d (up to \$5000 per violation) Civil penalty amount for violations
- ✓ N.Y. Gen. Bus. Law §§ 349(h), 350-3(3) Compensatory damages
- ✓ N.Y. Gen. Bus. Law § 349(h) allows treble damages, but capped at \$1000. N.Y. Gen. Bus. Law § 350-e(3) allows treble damages with a \$10,000 cap. Multiple or punitive Damages
- ✓ FDCP Section 1692k Attorney/Administrative Defense Fees,
- ✓ FDCP Section 1692k i) any actual damage sustained as a result of the violation; *Smith v. Law Offices of Mitchell Kay*, 124 B.R. 182 (D. Del. 1991) (actual damages for emotional distress under the FDCPA can be proved independently of state law requirements for a tort action); ii) statutory damages of up to \$1,000; *Wright v. Finance Service of Norwalk*, 22 F.3d 647 (6th Cir. 1994) (plaintiff is limited to additional damages of \$1,000);

ACCOUNTING AND BILLA VERA (TRUE BILL)

COMPUTED AS FOLLOWS

\$1,000.00	Due to MIRIAM SNYDER for harassment which is a violation of the (Fair Debt Collection Practice Act § 806)
\$10,000	Due to MIRIAM SNYDER for damages of Fraud by the Respondents on numerous occasions, pursuant to CPLR Rule 5015 section a3.
\$1,000	Due to MIRIAM SNYDER as the Respondents failed to report this alleged debt as disputed pursuant to FCRA Section 623.
\$1,000	Due to MIRIAM SNYDER in Damages for Respondents failure to validate the alleged debt, yet continue to pursue collection activity pursuant to FDCPA Section 809 (b),
\$6,000.00	Due to MIRIAM SNYDER for damages of Defamation by Respondents reporting inaccurate, misleading, non-validated and fraudulent claims to the NYS Department of Motor Vehicle January 2014 to the present pursuant to CPLR Article 42 §4213.
\$1,000.00	Due to MIRIAM SNYDER in damages for misrepresentation of the alleged debt which is a violation of the (Fair Debt Collection Practice Act § 807).
\$10,000	Due to MIRIAM SNYDER in damages for threat, duress and coercion by mailing to MIRIAM SNYDER a January 2014 NO PRIOR NOTICE UNCONSTITUTIONAL DRIVER'S LICENSE SUSPENSION ORDER WITH FRAUDULENT EXTORTION CLAIMS.
\$7,500.00	Due to MIRIAM SNYDER for time spent Researching, Creating Documents, and Travel expenses to and from Specific Locations in order to mount an effective defense, calculated at \$75.00 per hour at five (5) hours per day for twenty days. (75 x 5 x 20 = 7500)
\$30,000	Due to MIRIAM SNYDER for Attorneys acting as witnesses ,respondents, and lawyers in this matter infesting deceit, misrepresentation, collusion, omission, malicious and unconstitutional suspension, and treble Damages, harassment, infliction of emotional duress, and damages for the Respondents ongoing and continued refusal to certify their FRIVOLOUS and TIME DELAYED ANSWER in the instant action. Please see the Defendants attached non certified answer attached as exhibits 3-4, and the Respondents additional, malicious, nonprocedural, collusion based, unconstitutional on and off lawless driver license suspension Orders, all documents in violation to: 22 NYCRR § 130 -1.1-a which requires that an attorney or party certifies that, to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, (1) the presentation of the paper or the contentions therein are not frivolous as defined in subsection 130-1.1(c)." 22 NYCRR § 130 -1.1(c) defines conduct as frivolous if: it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law; (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or (3) it asserts material factual statements that are false.

\$30,000.00	Due to Miriam Snyder pursuant to: N.Y. Judiciary Law § 487 inter alia provide that an attorney is guilty of a misdemeanor and is liable for treble damages to the aggrieved party if the attorney: "... is guilty of any deceit or collusion, or consents to any deceit or collusion, with the intent to deceive the court or any party." See McKinney's Judiciary Law § 487; see also Oakes v. Muka, 56 A.D.3d 1057, 868 N.Y.S.2d 796 (3d Dept. 2008).
\$60,000	Due to MIRIAM SNYDER for damages of Impairment of driving ability from January 2014 to present, pursuant to CPLR Article 42 §4213.
\$5,000	Due to MIRIAM SNYDER for damages of Pain and suffering for defamatory information reported to third party entities including the NYS DMV from January 2014 to present, pursuant to CPLR Article 42 §4213.
250,000	<p>Due to MIRIAM SNYDER for denied provisions in the Constitution 18 USC 3571. The Supreme Court of the United States said that a driver's license is a property interest protected by the Fourteenth Amendment's due process clause and any suspension requires prior notice and a hearing. Permitting suspension without a hearing is, therefore, unconstitutional. The Court said that oral or written notice of the charges brought against a person must be given to the person who is being suspended for more than a trivial period. If he denies the charges, the person must be given a hearing.</p> <p>Petitioner's driver license was criminally seized/suspended by the Respondents with no Notice prior to the suspension, and without validation or cause. This unconstitutional and diabolical act put Petitioner's elderly mother and Petitioner in a dangerous situation because the ability to travel freely has been destroyed, more specific, Petitioner's right and need to travel by car is immensely necessary in order for petitioner to care for her elderly mother and obtain her elderly mother's needed daily and medical supplies. Petitioner is her elderly mother's care giver and driver and this unconstitutional driver license suspension program with no notice prior to suspension has caused irreparable harm, injuries, and hardships both on Petitioner and her mother.</p> <p>The unconstitutional suspension has invoked immediate and irreparable harm as it has invoked conditions that prevented the Petitioner from addressing medical emergencies in a timely manner. Time is of the essence as Petitioner's mother is elderly and this induced and unwarranted inability to transport her in emergencies and when needed advances the aging process and has induced undue hardship on both Petitioner and her elderly mother.</p> <p>Petitioner is the full time care giver of her elderly mother and this unconstitutional license suspension is being used as a collusion based bullying sham designed to obstruct her ability to care for her mother, do her job and the ramifications of such has induced undue hardship on her elderly mother. The reinstatement of Petitioner's license is warranted, needed, and required.</p> <p>The unconstitutional suspension of the Petitioner's license with no due process and with no validation of the nonexistent debt exemplifies the Respondents' unclean hands with malicious intent to further harm, injure and oppress.</p>
\$10,000	Due to Miriam Snyder for Respondents Collusion between Agent and Third Party..., collusion, deceit, misrepresentation, fraud 18 USC 1001
\$10,000	Due to Miriam Snyder for Respondents Conspiracy against Rights of Miriam Snyder 18 USC 241
\$10,000	Due to Miriam Snyder for Respondents Falsification of Documents 18 USC 1001

\$5,000	Due to Miriam Snyder for Respondents Mail Threats 18 USC 876
\$5,000	Due to Miriam Snyder for Respondents EXTORTION 18 USC 872
\$500.00	Due to Miriam Snyder for Respondents Misprision of Felony 18 USC 4
\$150.00	Due to Miriam Snyder for the cost of postage mailing documents to the Respondents.
\$250,000.00	Due to Miriam Snyder for SLAVERY- FORCED COMPLIANCE TO INVISIBLE CONTRACTS NOT HELD 18 USC 3571
\$250,000.00	Due to Miriam Snyder for DENIED RIGHT TO TRUTH N EVIDENCE 18 USC 3571
\$250,000.00	Due to Miriam Snyder for DENIED PROPER WARRANT, LIEN 18 USC 3571
\$250,000.00	Due to Miriam Snyder for DENIED PROPER DEMANDED DISCLOSURES 18 USC 3571

SUM CERTAIN OF ACTUAL COST OF CLAIM

SUM REQUESTED AS MAXIMUM PERMITTED BY THIS COURT

Twenty Five Thousand Dollars and Zero Cents.

\$1,421,700.00 SUM REQUESTED TO BE TRANSFERRED TO THE FEDERAL COURT

“Petitioner reserves the right to amend and adjust the accounting and True Bill”

Definitions and Glossary:

The following terms, references, words and names are defined in this Affidavit as stated herein.

1. **“Person”:** In Bankruptcy Code, “Person” includes individual, partnership, and corporation, but not government unit. (11 U.S.C.A § 101). Commercial Law. An individual or organization. U.C.C. § 1-201(30).
4. **“MIRIAM SNYDER”:** In this document "MIRIAM SNYDER" means the person, the PETITIONER, the person counteracting the Respondents fraud on the court, the unconstitutional suspension, MIRIAM SNYDER is the trust and U.S. vessel MIRIAM SNYDER, and any and all derivations and variations in said name except “John Doe”.
9. **CPLR Rule 5015 section a1 - excusable default,** if such motion is made within one year after service of a copy of the judgment or order with written notice of its entry upon the moving party, or, if the moving party has entered the judgment or order, within one year after such entry

10. CPLR Rule 5015 section a2 - newly-discovered evidence which, if introduced at the trial, would probably have produced a different result and which could not have been discovered in time to move for a new trial under section 4404.
11. CPLR Rule 5015 section a3 - fraud, misrepresentation, or other misconduct of an adverse party.
12. CPLR Rule 5015 Section a4 - lack of jurisdiction to render the judgment or order.
13. CPLR Rule 5015 Section C - An administrative judge, upon a showing that default judgments were obtained by fraud, misrepresentation, illegality, unconscionability, lack of due service, violations of law, or other illegalities or where such default judgments were obtained in cases in which those defendants would be uniformly entitled to interpose a defense predicated upon but not limited to the foregoing defenses, and where such default judgments have been obtained in a number deemed sufficient by him to justify such action as set forth herein, and upon appropriate notice to counsel for the respective parties, or to the parties themselves, may bring a proceeding to relieve a party or parties from them upon such terms as may be just. The disposition of any proceeding so instituted shall be determined by a judge other than the administrative judge.
14. CPLR Rule §2002 - An error in a ruling of the court shall be disregarded if a substantial right of a party is not prejudiced.
15. CPLR Rule §1001 (b3) - emphatically states that if a party is affected by prejudice which might have been avoided or may in the future be avoided, the order or action by the court is null and void.
16. CPLR Rule 3211(a1) - A party may move for judgment dismissing one or more causes of action asserted against him on the ground that: (1) a defense is founded upon documentary evidence.
17. CPLR Rule 3211(10) - the court should not proceed in the absence of a person who should be a party.
18. CPLR Rule §3211(e) - an objection that the summons and complaint, summons with notice, or notice of petition and petition was not properly served is waived if, having raised such an objection in a pleading, the objecting party does not move for judgment on that ground within sixty days after serving the pleading, unless the court extends the time upon the ground of undue hardship.
19. CPLR Rule §1012 - Intervention as of right; notice to attorney-general, city, county, town or village where constitutionality in issue.
 - (a) Intervention as of right. Upon timely motion, any person shall be permitted to intervene in any action:
 1. when a statute of the state confers an absolute right to intervene;
 - or
 2. when the representation of the person's interest by the parties is or may be inadequate and the person is or may be bound by the judgment;
 - or
 3. when the action involves the disposition or distribution of, or the title or a claim for damages for injury to, property and the person may be affected adversely by the judgment.
 - (b) Notice to attorney-general, city, county, town or village where constitutionality in issue. 1. When the constitutionality of a statute of the state, or a rule and regulation adopted pursuant thereto is involved in

an action to which the state is not a party, the attorney-general, shall be notified and permitted to intervene in support of its constitutionality.

2. When the constitutionality of a local law, ordinance, rule or regulation of a city, county, town or village is involved in an action to which the city, county, town or village that enacted the provision is not a party, such city, county, town or village shall be notified and permitted to intervene in support of its constitutionality.

3. The court having jurisdiction in an action or proceeding in which the constitutionality of a state statute, local law, ordinance, rule or regulation is challenged shall not consider any challenge to the constitutionality of such state statute, local law, ordinance, rule or regulation unless proof of service of the notice required by this subdivision is filed with such court.

(c) Notice to comptroller of the state of New York where public retirement benefits are in issue. Where public retirement benefits, paid, payable, claimed, or sought to be paid by a state retirement system or any other retirement system established for public employees within this state or any subdivision thereof, or the interpretation of any provisions of law or rules governing any such retirement system or the operation thereof, are involved in an action to which the comptroller of the state of New York is not a party, the court shall notify said comptroller, who shall be permitted, in his discretion, to intervene in such action or to file a brief *amicus curiae*.

20. CPLR Rule §1013 - Intervention by permission. Upon timely motion, any person may be permitted to intervene in any action when a statute of the state confers a right to intervene in the discretion of the court, or when the person's claim or defense and the main action have a common question of law or fact. In exercising its discretion, the court shall consider whether the intervention will unduly delay the determination of the action or prejudice the substantial rights of any party.

26. Ordinandi Lex – Blacks Law Dictionary 4th Edition – Lat. The Law of procedure, as distinguished from the substantial part of the law.

27. Ordinance – Blacks Law Dictionary 4th Edition - A rule established by authority; a permanent rule of action; a law or statute.

28. Original - Blacks Law Dictionary 4th Edition – Primitive; first in order; bearing its own authority, and not deriving authority from outside source; as original jurisdiction, original writ, etc. As applied to documents, the original is the first copy or archetype; that from which another instrument is transcribed, copied or imitated. *Arenson v. Jackson*, 97 Misc.Rep. 606, 162 N.Y.S. 142, 143; *State v. Lee*, 173 La. 770, 138 So. 662.

29. Ouster - Blacks Law Dictionary 4th Edition – In Practice. A putting out; dispossession; amotion of possession. A species of injuries to things real, by which the wrong-doer gains actual occupation of the land, and compels the rightful owner to seek his legal remedy in order to gain possession.

30. Omission - Blacks Law Dictionary 4th Edition – Neglect to perform what the law requires. *People v. Hughey*, 382 ill. 136, 47 N.E. 2d 77, 80.

31. Negative Evidence - Blacks Law Dictionary 4th Edition – Testimony that an alleged fact does not exist. *K.B. Johnson & Sons v. Southern Ry. Co.*, 214 N.C. 484, 199 S.E 704, 706.

32. Libel – Blacks Law Dictionary 4th Edition - Admiralty Practice. To proceed against, by filing a libel; to seize under admiralty process, at the commencement of a suit.

33. **Torts – Blacks Law Dictionary 4th Edition** - to defame or injure a person's reputation by a published writing.
34. **Slander – Blacks Law Dictionary 4th Edition** - The speaking of base and defamatory words tending to prejudice another in his reputation, office, trade, business, or means of livelihood. *Little Stores v. Isenberg*.
35. **Prejudice – Blacks Law Dictionary 4th Edition** - A forejudgement; bias; preconceived opinion. A leaning towards one side of a cause for some reason other than a conviction of its justice. *Tegeler v. State*, 130 P. 1164, 1167, 9 Okl.Cr. 138; *Taylor v. F. W. Woolworth Co.*, 146 Kan. 841, 73 P.2d 1102, 1103.
36. **Credit - Blacks Law Dictionary 4th Edition** - Fr. Credit in the English sense of the term, or more particularly, the security for a loan or advancement.
37. **Credited - The alternative to paid.** *Lynchburg Trust & savings Bank v. Commissioner of Internal Revenue*, C.C.A.4, 68 F.2d 356, 358.
38. **Contract - A promissory agreement between two or more persons that creates, modifies or destroys a legal relation.** *Buffalo Press Steel Co. v. Kirwan*.
39. **Contract (2) - The writing which contains the agreement of parties, with the terms and conditions, and which serves as proof of the obligation.**
40. **Contract of Benevolence - A contract made for the benefit of one of the contracting parties only, as a mandate or deposit.**
41. **False and Misleading Statement - Failure to state material fact made letter a "false and misleading statement" within rule of securities and exchange commission.** *Securities and Exchange Commission v. Okin*, C.C.A.N.Y., 132 F.2d 784, 787
42. **False Pretenses - Designed misrepresentation of existing fact or condition whereby person obtains another's money or goods.** *People v. Gould*, 363 ill. 348, 2 N.E.2d 324.
43. **False or Fraudulent Claim - A "false or fraudulent claim" within meaning of statute providing for punishment of any one receiving proceeds of fraudulent audit or payment, since to be "false or fraudulent," must be a claim for services or materials not actually rendered or furnished.** *People v. Dally*, 175 Misc. 680, 24 N.Y.S.2d 692, 695.
44. **False Representation - A representation which is untrue, willfully made to deceive another to his injury.**
45. **Falsification - In equity practice. The showing an item in the debit of an account to be either wholly false or in some part erroneous**
46. **Deceit - A fraudulent and cheating misrepresentation, artifice, or device, used by one or more persons to deceive and trick another, who is ignorant of the true facts, to the prejudice and damage of the party imposed upon.** *People v. Chadwick*, 143 Cal. 116, 76 P. 884.
47. **Defamation - The taking from one's reputation. The offense for injuring a person's character, fame, or reputation by false and malicious statements. The term seems to include both libel and slander.**

48. Malicious - Characterized by, or involving, malice; having, or done with, wicked or mischievous intentions or motives; wrongful and done intentionally without just cause or excuse. People v. Knapp, 274 N.Y.S. 85, 152 Misc. 368.

49. Malicious Accusation - Procuring accusation or prosecution of another from improper motive and without probable cause. McKenzie v. State, 113 Neb. 576, 204 N.W. 60, 63.

50. Malicious Prosecution - One begun in malice without probable cause to believe the charges can be sustained. Eustace v. Dechter, 28 Cal.App.2d 706, 83 P.2d 523, 525.

51. Negligence - The omission to do something which a reasonable man, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a reasonable and prudent man would not do. Schneeweisz v. Illinois Cent. R. Co.

IGNORANCE OF THE LAW IS NO EXCUSE

NOTICE TO AGENT IS NOTICE TO PRINCIPAL

NOTICE TO PRINCIPAL IS NOTICE TO AGENT

Using a Notary or Commissioner of Deeds on this document does not constitute any adhesion, nor does it alter Declarant's status in any manner. The purpose for notary is verification and identification only and not for entrance into any foreign jurisdiction.

State of New York)

) ss

County of Queens)

AFFIRMATION

On this day of the 17 of June 2014 I, Miriam Snyder hereby affirm that the above statements in this COUNTERCLAIM AND AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT, are true, correct and summarize the enjoinder of the NYS Department of Taxation in a well-documented and deadly conspiracy against rights embedded in the targeting of me and enforcement of obstruction of the rule of law. In this matter the obstruction of tax laws is being done under the disguise of no proof of mail service of a nonexistent alleged Notice of November 8, 2013 that I never received and Respondents no proof of an out of thin air concocted tax claim not supported by substantial evidence.

The NYS Tax Department extortion crimes, theft of my money and license rights, with no standing, no capacity to sue or steal my money, no real party of interest, no summons, no complaint, and no affidavit or affirmation, exemplify STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE FINANCIAL TERRORISM AND ORGANIZED EXTORTION AND COLLUSION CRIMES.

The Respondents acts epitomize:

Failure and refusal to perform duties required by law: The respondents have failed to: provide due process, proof of claim, validation, a hearing, a Notice of Suspension and Levy prior to suspension and levy, refused to certify extortion claims or the Answer, etc...

The Respondents exceeded their legal authority; Suspended Petitioner's license and Levied Petitioner's Bank account with no standing, no jurisdiction, no capacity to sue, with no court order and did so under the illusion of law.

The Respondent's actions, determinations, levy's, seizures, and theft, were not supported by substantial evidence.

Criminal reports will be forwarded to the FBI and Department of Justice as well as motions for sanctions in an attempt to stop this terrorism and theft. I seek an end to this terrorism I have endured. I hereby further affirm that the basis of these statements is my own direct knowledge, experience, and historical facts involved. The above is stated under penalty of perjury.

PETITIONER AND AFFIANT: Miriam Snyder

MIRIAM SNYDER, ALL RIGHTS RESERVED.

Norman Sakolsky JUNE 17, 2014
NOTARY PUBLIC

[SEAL]

NORMAN SAKOLSKY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SA6188758
Qualified in Suffolk County
My Commission Expires June 16, 2016

40

CERTIFICATE OF MAILING

I, MIRIAM SNYDER, CERTIFY THAT ON THE 18TH DAY OF JUNE 2014 I FAXED AND MAILED A COPY OF THE ABOVE DISCOVERY NOTICE, MOTION TO COMPEL AND DEMAND FOR DOCUMENTS IN REPLY TO THE RESPONDENTS EXTORTION CLAIMS AND THEIR UNCONSTITUTIONAL AND NEVER SERVED NOTICE AND NO PROOF OF SERVICE DRIVER LICENSE SUSPENSION NOTICE ALLEGED DATE OF NOVEMBER 8TH 2013

TO:

MICHELE W. MILAVEC AND AMANDA HILLER, COUNSELORS
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE,
THOMAS MATTOX, COMMISSIONER, THOMAS.MATTOX@TAX.NY.GOV.
NYS DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF THE DEPUTY INSPECTOR GENERAL
BUILDING 9 - ROOM 481
W.A. HARRIMAN CAMPUS
ALBANY, NEW YORK 12227
FAXED TO: 518 435 2942 AND 518 485 8679

SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12227

FAXED AND OR EMAILED TO:

Bureau of Consumer Protection,
COMPLAINT@FTC.GOV
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580 (202) 326-2222

The Honorable Andrew M. Cuomo:
gov.cuomo@chamber.state.ny.us
Governor of New York State
NYS State Capitol Building
Albany, NY 12224
FAX: (518)474-3767

Mr. Schneider, NYS Attorney General,
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Office of the Attorney General
The Capitol Albany, NY 12224-0341

FBI New York
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US Congressman Schumer
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Congressman Eliot Engle
Congressman_Engel@housemail.house.gov
3655 Johnson Avenue
Bronx, NY 10463
Phone : (718) 796-9700
Fax: (718)796-5134



**SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12223**

DTA# 826108

**MIRIAM SNYDER
PRO SE PETITIONER,

VS.**

**MOTION TO STRIKE RESPONDENTS DEFECTIVE
ANSWER AND DISMISS RESPONDENTS
NONVALIDATED EXTORTION CLAIMS FOR THE
NEVER RECEIVED NOTICE AND NO PROOF OF
SERVICE DRIVER LICENSE SUSPENSION
NOTICE ALLEGEDLY DATED NOVEMBER 8TH
2013**

**AMANDA HILLER, INDIVIDUALLY AND AS DEPUTY COMMISSIONER AND COUNSELOR
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE, MICHELE W. MILAVEC
INDIVIDUALLY AND AS SENIOR ATTORNEY STATE OF NEW YORK DEPARTMENT OF
TAXATION AND FINANCE, KEVIN ID # 5470 INDIVIDUALLY AND AS MEMBER OF THE STATE
OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE AND THE STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE**

**FICTITIOUS RESPONDENTS, ATTORNEYS ACTING AS WITNESSES AND MALICIOUS DEBT
COLLECTORS**

**MOTION TO STRIKE AND DISMISS RESPONDENTS
FICTITIOUS EXTORTION CLAIMS**

- 1. Miriam Snyder moves this administrative body to strike and dismiss the Respondents attached
frivolous, harassing, oppressive and no proof of service of notice of suspension prior to suspension,
their non-verified Answer and overall unsubstantiated Claims as the respondents are wasting
administrative, judicial and Petitioner's time and resources by SMOKESCREENING their
inability to produce proof of any tax claim and their inability to produce proof of service of any
NOTICE prior to the unconstitutional and oppressive license suspension dated January 2014.**

2. Additionally, Respondents have no proof of claim other than abuse of process fictitious extortion claims. Pursuant to the New York State and the U.S. Constitutions, to comply with due process requirements, Notice, **MUST BE GIVEN SUFFICIENTLY IN ADVANCE OF SCHEDULED ORDERS** so that reasonable opportunity to prepare will be afforded.
3. In this matter Petitioner Miriam Snyder was denied a Notice of Suspension prior to the ongoing unconstitutional driver license suspension which was initiated January 2014 and has lawlessly continued to present.
4. This unconstitutional suspension obstructs the New York State and the U.S. Constitutional Due Process Clause which entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision making process. See *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-267 (1978). The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976)
5. To attempt to cover up the Respondents due process error, specifically their denial of Notice of Suspension prior to their January 2014 suspension, the respondents used deception and trickery in sending additional suspension Orders to criminally make it appear as if the Petitioner was served notice. See exhibits 1-2.
6. Being force to fight against this type of bold faced, organized fraud and collusion, is harassing, oppressive and non-procedural for the Respondents continual sending of multiple driver license suspension Orders and no Notice of Suspension prior to the initial suspension and the sending of such with non-validated created out of thin air extortion claims exemplify egregious debt collection practices.

- 7. The Petitioner seeks the removal of the January 2014 up to present unconstitutional license suspension primarily because Petitioner owes no tax money, there is no proof of claim, Petitioner was not given any Notice prior to the suspension and there is no proof of service of any Notice of Suspension prior to the suspension of January 2014 which has continued to present.**
- 8. The Respondents answer must be stricken and the entire case dismissed as this entire Respondent extortion scam is based on deception, deceit, collusion, trickery, and misrepresentations. For such reasons, the Respondents answer is not certified via affidavit, oath, or executed by an injured or real party of interest and there is no proof of any real party of interest and no proof of claims. These respondent trickery and collusion acts are criminal, unjustified and have enforced mistaken constitutional deprivations.**
- 9. Petitioner objects to the continuation of the Respondents claims and injuries against Petitioner. Respondents have no real party of interest, no standing, no capacity to sue or steal, no complaint filed in any court, a defective Answer and no right to seize Petitioners driver license rights and money. Petitioner moves to strike the Respondents Answer based on the fact that the veracity and merit of the Answer are not certified under oath as required. The Respondents refused to perform duties required by law.**
- 10. Above all, Petitioner Moves to Strike the Respondents Answer because the Respondent Lawyers lack personal, first-hand knowledge of the facts OF THEIR UNKNOWN REAL PARTY. The Respondent attorneys lack the requisite "competence" to testify. The only people who can testify to facts are people who have "personal, first-hand knowledge" of the facts. Petitioner objects to the Respondent attorneys disguising themselves as witness and attorney, both characters in this matter.**

- 11. The Respondents are deliberately using the administrative process to break procedural rules, for harassment, oppression, extortion and deceit. The Respondents answer is a legal nullity under New York CPLR Rules 3022 and 3026 nor is it verified by Affidavit or Affirmation under Penalty of Perjury by and as such must be stricken from the court record as it is not admissible as evidence under the F.R.E. and New York Rules of Evidence and Uniform Rules § 202.12-a(f) due to the lack of any Fact Testimony under Oath. Again, the Respondents have refused to perform duties required by law.**
- 12. AMANDA HILLER, individually and or as deputy commissioner and or counselor for the State of New York Department of Taxation and Finance and Michele W. Milavec individually and or as senior attorney for the State of New York Department of Taxation and Finance are not Competent Persons, with Firsthand or Personal Knowledge and are not mail agents for the NYS Department of Taxation and Finance. Neither person therefore is competent to give fact testimony regarding the alleged Delivery or Execution of any Notice of Suspension prior to the unconstitutional suspension of January 2014. Both respondents have refused to verify their useless denials because they have no proof of service of any Notice of suspension prior to the January 2014 suspension. The respondents exceeded their legal authority.**
- 13. All of the Respondents statements and testimony are hearsay, lack competency and authentication and do not fall within the hearsay exception and are objected to on those grounds. They are not the real party of interest and Petitioner objects to the continuation of this extortion case at minimum until the real party of interest is clearly identified and defined.**
- 14. Amanda Hiller and Michele W. Milavec both Respondents, are attorney Third Party Debt Collectors as that term is defined in the Fair Debt Collection Practices Act at 15 U.S.C. §§ 1692-1692P. The Respodents are acting as Private Third Party Debt Collectors, to Unjustly Enrich themselves by Wrong Doing at the expense of Miriam Snyder. This is evidenced by the lack of**

verification by Affidavit or Affirmation by a Sworn Statement Under Penalty of Perjury of their Bogus Claims as required by the Uniform Rules for N.Y.S. Trial Courts Part 202, Uniform Rules 202.12 for the Supreme Court and County Court.

- 15. The Respondents have unconstitutionally suspended the Petitioner's driver's license, extorted non validated money out of her, and have frivolously and fraudulently acted in the capacity of the injured party.**
- 16. The Respondents are giving hearsay third party fact testimony as third party debt collectors which is unverified, not under oath and not supported by affidavit as required by CPLR 2106. Until there is fact testimony given by the Injured Party under oath or by Affidavit or a complaint is filed supported by oath or affidavit, the Respondents claims are void and the State of New York Division of Tax Appeals lacks subject matter jurisdiction and must dismiss the Respondent claims. The Respondent's determinations are not supported by evidence.**
- 17. The 6th Amendment secures the accused the right to face all witnesses against him. Therefore, this law requires the Respondents be injured parties and are physical human beings that can be cross examined. The only time an attorney can act without a human is in the case of "murder". All other cases require the extortionists/debt collectors be present.**
- 18. In this matter the Respondents invoked an unconstitutional suspension of Petitioner's driver's license. Such was done as a civil action with "Fraud" of attorneys claiming a " the NYS Tax Corporation" has rights, privileges and immunities in court, while common knowledge dictates a Corporation is an artificial person without natural rights. For an attorney to suspend one's license without notice prior to suspension and under the disguise of a "Corporation" as "as an Injured Party" is clear "Fraud on the Court". A "Corporation" cannot sign a "Power of Attorney" or give**

any attorney verbal instructions to act on its behalf. Therefore, no attorney can lawfully represent any “Corporation in court”.

19. To this end, Amanda Hiller, as Deputy Commissioner and Counselor State of New York Department of Taxation and Finance and Michele W. Milavec as Senior Attorney State of New York Department of Taxation and Finance, have both acted deceptively as the injured party while no injured party exists. Both extortionists have undermined securities in the 6th Amendment which secures that no person will be deprived of life, liberty or property without due process of law. Therefore, the “Injured Party” must appear and state he/she is owed a debt, the allege debtor must be given the right to challenge this debt for “validation” 15 USC 1692g. Only an “injured party” can claim a debt is owed. “Imaginary persons” cannot appear or give testimony and cannot be the “Injured Party” of any cause of action.
20. The Respondents who are attorneys are acting as “Foreign Agents” pursuant to 22 USC 611 acting for a “Foreign State” (Corporation) who has seized property rights in violation of the 11th Amendment. As such, Petitioner Demands dismissal of the Respondents unconstitutional suspension of her license rights and demands an end to the Respondents extortion and terroristic acts and seeks such dismissal for lack of jurisdiction.
21. Petitioner demands her 6th Amendment right to face the accuser behind the no notice driver license suspension and the fictitious alleged tax debt. Petitioner Demands the production of the “Injured Party”. If an injured party cannot be produced, than petitioner again demands the dismissal of the Respondents unconstitutional suspension of her license rights and demands an end to the Respondents extortion and terroristic acts and seeks such dismissal for lack of injured party. The court has no “jurisdiction” to proceed.

- 22. In this matter, the Petitioner Miriam Snyder has been subject to criminal and civil actions of attorneys. These acts have been prosecuted in the name of some “Imaginary Person” (Corporation), the corporate “STATE” or corporate “UNITED STATES”. The Respondents acts are prohibited by the 11th Amendment. All these “Foreign States” are prohibited by the 11th Amendment of the “Constitution for the united States of America” to commence or prosecute any action.**
- 23. The respondents filing of the attached non certified, defective Answer, coupled with their no notice of suspension prior to suspension, coupled with the multiple terroristic tax extortion levies, while having no complaint, no injured party, and no cause of action, is criminal pursuant to: “Fraud” 18 USC 1001 and “Conspiracy against rights” 18 USC 241.**
- 24. Should the Respondents extortion crimes continue, the Petitioner will use the extortion letters and the unconstitutional license suspension malicious Order with no proof of service notice, to establish a “crime” has been committed. This will establish present evidence that the Petitioner was “injured” by the respondent’s damage to her property rights. The Petitioner will show how the Attorneys have enforced “imposter laws” that establish “invisible” “crimes”. This is “Fraud” 18 USC 1001 for any attorney to present these imposter crimes, without injured party, claiming authority to act or prosecute.**
- 25. In this matter, no injured party has been produced, no injured party answered, and no injured party can be cross examined. These criminal conditions have effectuated due process of law impossibilities. Consequently, the Respondents claims and unconstitutional suspension must be dismissed with prejudice.**

- 26. The people have rights, Corporations do not have rights. Among these “Rights” is the right to contract, the people have this right under 42 USC 1981. The people exercise this right by their signature and/or Social Security Number. Corporations cannot sign and therefore cannot enter into any contract, with any attorney. The right to contract is reserved to the people. This is established by the age old principle of “Agency”. To establish an “Agency”, the “Principal” must ask the “Agent” to perform a task. The “Agent” must agree to perform the task. It is a time tested principle, of “American Jurisprudence” that the “Court” must not rely upon the “Agent” to prove “Agency”. The “Court” must follow the “Principal” to establish “Agency”. The law is simple no “Principal” no “Agency” to no “Capacity to Sue”. Case must be dismissed.**
- 27. Petitioner adamantly objects to the entertaining of Respondents frivolous claims of any right to suspend her license with no due process or notice prior to the suspension of January 2014 and up to present. Petitioner adamantly objects to the entertaining of the Respondents monetary extortion claims and scams with no real party of interest, no injured party, no complaint, no validation, no notice of suspension prior to suspension, and no disclosures.**
- 28. Petitioner objects to the Respondents defective Answer and Moves to Strike and dismiss this matter as a whole as the Respondents Answer is a fraudulent imposture of an injured party and served no other purpose but to delay, harass and oppress. The Respondents refusal to certify their Answer via oath, affidavit, or affirmation is because they know it was designed in bad faith, maliciously, with intent to deceive, undermine and obstruct consumer protections embedded in FDCPA, FCRA, and the NY GBL laws. The Respondents answer and extortion claims are without legitimate legal or factual basis and would be deemed in bad faith by any reasonable person. There is a great need for a dismissal as to deter the Respondents continued baseless claims and filings and thus avoid the expenditure of unnecessary resources.**

- 29.** Additionally, Petitioner Objects to all of the attorney witness statements particularly their presumptions as such are deceitfully used to attempt to shift the burden to prove. Petitioner shifts the burden of proof back to the attorney respondent witnesses in their unethical multiple roles as they have defended the theft of money and an unconstitutional Suspension Order and need to prove and validate their proud lawyer acts or be arrested.
- 30.** The Respondents used undue influence, legal abuse and covert malpractice to coerce Petitioner to file the petition to stop their theft of her money and unconstitutional Suspension Order. Thereafter the respondents invoked Presumptions to shift the burden of proof when all along everything the Respondents did to the Petitioner was based on dodging PROOF. The Respondents enforced the highest level of legal abuse and malpractice coupled with organized fraud embedded in the theft of Petitioner's money and suspension of her license with no summons, no complaint, no real party of interest, no standing, no capacity to sue, no proof of claim, no proof of mailing any Notice, no validation, no debt owed, and no admissible proof of any of their claims. These criminal organized fraud practices, targeted at specific vulnerable populations, must be made to stop.
- 31.** In this matter, the lawyer Respondents have acted as the KKK misusing law degrees as weapons of mass destruction to implement organized fraud specifically to oppress and kill targeted populations. They have used their law degrees to dodge poof of claims, to steal, terrorize, abuse, and kill.
- 32.** The State of New York Department of Taxation and Finance has acted as if they are a satanic cult which thinks it is above the law and they have a covert purpose to devour and destroy based on organized fraud embedded in the criminal shifting of proof and dodging of proof of their claims.
- 33.** In this matter the multiple character Respondents (attorneys and witnesses) making of inferences and use of presumptions as noted in their Answer, specifically Paragraph 7 exemplifies a desperation to deceive the judge and Petitioner while the fraudsters have no proof of mailing and no proof of claim. The Respondents exceeded their legal authority.

- 34. The Respondents Answer and actions, including their fraud and presumptions are disastrous and are extremely far from the truth, as exemplified in their inability to certify or affirm under oath or produce any admissible evidence. Again, Petitioner, adamantly objects to the attorneys acting as witnesses, respondents, and lawyers in this matter and Moves to have them disqualified and their claims dismissed.**
- 35. The Respondents creation of a nonexistent injured or interested party who cannot and has not produced a contract between Petitioner and Respondents, while Petitioner is injured by the unconstitutional levy of her property and rights illustrate abuse of process, attorney desperation, unreasonableness based on errors and misstatements/misrepresentations in Respondent papers and malicious acts against Petitioner.**
- 36. Any reasonable person who reads Respondent papers and mail threats in this matter can see clear malice via a malicious circumvention of the law and an Answer with no factual relevancy and or admissible evidence to the Petition. Respondent's claims must be dismissed for falsely representing an injured party, refusing to produce a contract, an assessment certificate, a proof of mailing certificate for their alleged Notice, and for attempting to impose on Petitioner a duty of inquiry more rigorous than reduced standard of care to which Respondents sought to be held.**
- 37. The Respondents claims contained in their Answer obstruct procedure and existing law by presenting frivolous arguments for the reversal and obstruction of consumer protection laws.**
- 38. The Respondents extortion claims and their Answer present NO reasonable inquiry in this matter and the theft of money and seizure of driving rights are not based on any factual data, there is no good faith or reasonable expectation that evidence will ever be developed. The Respondent's determination was not supported by any evidence.**
- 39. A dismissal is warranted and needed to discourage the Respondents dilatory and abusive tactics, and to help streamline the litigation process by lessening abusive and frivolous claims. A dismissal is needed for the purpose of deterrence, compensation and punishment. Above all, a dismissal is needed to stop Lawyer deceit, misrepresentations, and deliberate prejudicing by deceptively**

proclaiming the truth of matters about which there has been absolutely no admissible evidence presented.

40. Petitioner invokes the attached counterclaim with emphasis on the below to stop the attorneys continued deceit, collusion, and fraud, rooted from posturing as an injured and or real party who does not exist, yet lawlessly and unconstitutionally seized Petitioner's rights and money and invoked a sham on the tribunal.

N.Y. Judiciary Law § 487 *inter alia* provide that an attorney is guilty of a misdemeanor and is liable for treble damages to the aggrieved party if the attorney: ". . . is guilty of any deceit or collusion, or consents to any deceit or collusion, with the intent to deceive the court or any party." See McKinney's Judiciary Law § 487; see also Oakes v. Muka, 56 A.D.3d 1057, 868 N.Y.S.2d 796 (3d Dept. 2008).

41. Petitioner states that authentication or identification of evidence is required as a condition precedent to its admissibility. Respondent's ongoing failure to authenticate documents referred to in their extortion claims and seizure of Petitioners driver's license rights renders the alleged Respondents incompetent to testify as to the matters referred to in this NYS tax extortion case.
42. Respondents willful and ongoing refusal to file affidavits show affirmatively that the Respondents are not competent to testify to the matters stated therein and their failure to attach a certified copy of the alleged NOTIICE mail receipt of November 8, 2013 renders Respondents, who were not custodians of said records, incompetent to testify to the matters stated in their Answer and in this case as a whole as Respondents were and are unable to authenticate any of their extortion documents, alleged Notice of November 8, 2013 and their extortion claims referred to therein.
43. In closing, Petitioner again invokes CPLR Rule 3211(10) - the court should not proceed in the absence of a person who should be a party and CPLR Rule §3211(e) - an objection that the summons and complaint, summons with notice, or notice of petition and petition was not properly served is waived if, having raised such an objection in a pleading, the objecting party does not move for judgment on that ground within sixty days after serving the pleading, unless the court extends the time upon the ground of undue hardship. Petitioner again adamantly invokes and objects to the proceeding of this case as the initial suspension of Petitioners driver's license was enforced with no Notice prior to suspension.

44. There was no Notice of November 8, 2013 and Petitioner again states and attests under oath that she does not owe one penny to the Respondents' false and non-valid claims. Furthermore, Petitioner attests to the fact that she was not served Notice of Suspension for the Respondents alleged date of November 8, 2013 and moves for dismissal on such grounds particularly while Respondents have no proof of service or claims and while Respondents cannot attest to anything.
45. The respondents failed and refused to perform their duties required by commercial laws. The Respondents failed to tabulate services provided for their money demand. They failed to provide Petitioner and the Tribunal with the alleged amounts in a bookkeeping ledger. The Respondents failed to produce a True Bill in Commerce and failed to produce a Commercial Affidavit, with someone taking responsibility. The Respondents have no valid commercial claim. The Respondents have failed to produce any verification or affidavit to their claims as required by law. The affidavit remains the most fundamental source of authority and power and functional reality in debt collection and the Respondents do not have one to solidify their extortion crimes. This is not new or amazing. This is how diabolical criminals operate. There is no Respondent affidavit because Petitioner owes no money and the Respondents should be arrested for their deliberate, malicious, and injurious acts that exceeded their legal authority.
46. By the Respondents refusing to file any affidavits, oaths or attestations, in this matter on behalf of any of their allegations, the Respondents refused to perform their duties required by law. This refusal has obstructed the principles and maxims and precepts of Commercial Law which are eternal and unchangeable and unchanging. These precepts are expressed in biblical language in both the Old and New Testaments. They have remained unchanged for thousands of years and they form the underlying foundation for all law and governments in the world, the Law of Nations and everything that human civilization is built on. Without an affidavit or attestation, the Respondents have no fundamental source of authority and power and functional reality.
47. The first of these precepts is expressed in Old Testament terms in Exodus 20:15 is "Thou shalt not steal", which is, in terms of Commercial Law, "A WORK-MAN IS WORTHY OF HIS HIRE". The second maxim of Commercial Law is "Equality before the law", or more precisely, "ALL ARE EQUAL UNDER THE LAW". What this ultimately means is that Commercial Law, being founded on unchangeable principles of both Natural and Moral Law, is binding on everyone.

PRAYER:

Wherefore, in the interest of justice, this administrative body must issue an Order dismissing the Respondents unconstitutional suspension of license with no evidence of mailing a notice prior to suspension, and the tax extortion claims, pursuant to the above and below noted laws and statements summarizing no injured party, no Respondent, no complaint, defective Answer, no agency, no principal, and no capacity to sue. Above all, the fictitious Respondents failure and refusal to file any affidavit or make an attestation as to the validity of their extortion claims exemplifies Respondents clear inability, failure and refusal to perform a duty required by law that will stop the below crimes:

- ✓ 18 USC 514 “FICTITIOUS OBLIGATION” PROHIBITED
- ✓ 18 USC 241 CONSPIRACY AGAINST RIGHTS
- ✓ 18 USC 1961 DEFINITIONS OF “RACKETEERING ACTIVITIES”
- ✓ 18 USC 1001 FRAUD
- ✓ 18 USC 1341 “MAIL FRAUD”
- ✓ 18 USC 1343 “WIRE FRAUD”
- ✓ 18 USC 2381 “TREASON”
- ✓ 18 USC 2382 “MISPRISION OF TREASON”
- ✓ 5 USC 556(D), 557 AND 706 ONCE DUE PROCESS IS DENIED ALL JURISDICTION CEASES.
- ✓ 10 USC 333 INTERFERENCE WITH FEDERAL OR STATE LAW
- ✓ 5 USC 557(C) (3) FINDINGS OF FACTS AND CONCLUSIONS OF LAW REQUIRED FOR ALL DECISIONS.
- ✓ 42 USC 1981 “EQUAL RIGHTS UNDER THE LAW”.
- ✓ 42 USC 1983 “CIVIL RIGHTS VIOLATIONS”
- ✓ 15 USC 1692A-N “FAIR DEBT COLLECTION ACT”
- ✓ 22 USC 611 “FOREIGN AGENTS” OF “FOREIGN PRINCIPALS”
- ✓ 46 USC 781 “PUBLIC VESSELS ACT”
- ✓ HJR 192 “ACT OF CONGRESS” “CORPORATE CONGRESS” BANKS CANNOT REFUSE CURRENCY.

Petitioner Moves this Tribunal (Father, Son and Holy Spirit of the Most High God) to put the Respondent lawyers under oath and to disqualify the lawyers as counsel. No one is competent to testify to facts about which he/she has no first-hand knowledge. The Schizophrenic type Respondent Lawyers are misleading the judges and prejudicing this case by proclaiming the truth of matters about which there has been absolutely no admissible evidence presented!

Petitioner objects to any continuation or entertaining the Respondents lawless and unconstitutional claims while there is no admissible evidence to support their claims. Petitioner urges The State of New York Department of Taxation and Finance Corporation to look at their balance sheet required by the Financial Accounting Standards, FAS 95 and offset the alleged debt with what the corporation owes the alleged debtor pursuant to FAS 140.

Petitioner submits the below Affidavit and attached Counterclaim and Affidavit of Negative Averment to support this Motion. If these financial terrorism crimes are not stopped immediately, criminal reports will be filed with the Motions and Truth Affidavits noted in this packet. Petitioner will educate all organized fraud conspirators who refuse to respect their oath of office and refuse to respect the lawful requirements for the enforcement of oaths and attestations in commercial affairs.

Please take note that in Commerce, an affidavit must be accompanied and must underlay and form the foundation and responsibility for any commercial transaction whatsoever. There can be no valid commercial transaction without someone having put his neck on the line and stated that "this is a true, correct and certain situation (or true, correct and complete). In this matter, the Respondents have refused to verify any of their claims while stealing money, inducing undue hardship constitutional violations, and harming Petitioner's elderly mother and her. This will be stopped.

Petitioner will file complete criminal complaints on each public official advocating conspiring to further harm, injure, steal, damage and abuse by proxy Petitioner's elderly mother or her by failing or refusing to perform Authentication, Attestation and Certification duties required by law. Such criminal Complaints will be filed with local and federal criminal authorities, Insurance Commissioners of the State, all bonding offices, all for and not for profit tax compliance offices, and the media.

Petitioner urges all involved and particularly those in authority to stop these crimes and to do so immediately. Above all, treat this Petitioner who has never owed taxes prior to this hit, the way you would want to be treated.

Finally, please let the head eugenicists and demons mentoring this criminally insane fraud and induced stress new legislation program, know that this diabolical no verification scam is over! Illusions of legality disguised government offices will not be used to do the work of Satan at a global level under the disguise of new unconstitutional and unsupervised legislation. Government agencies will not be used for the advancement of Satanists via devour and destroy innocent people thru fraud, criminally induced poverty, induced undue hardship, fictional administration that invokes reversing, shifting and disregarding God given and Constitutional rights and laws, theft of money and property rights. Chose ye today, who will you serve.

Please note the record carefully. Demons in high public office positions are testing the waters, meaning criminally experimenting with this unconstitutional program. They are piloting this induce harm ad kill program, to see how many other illusions of legality agencies can be used to defraud, kill and destroy innocent

people by proxy, via third parties as exemplified in this matter with the collusion of DMV and The Respondents, while the Demons premeditated all the fraud, emphasis no attestations while stealing and harming innocent people.

If this terroristic, police pitting, murderous and unconstitutional driver license suspension and seizure of money program based on no proof of claim, no affidavit and attorney deceit and collusion program, is not stopped, the same unregulated demons who conspired this multiple personality attorney, witness, respondent, and no affidavit or verification extortion program, are plotting other similarly situated agency murder and depopulation programs for NYC under the disguise of EMERGENCY PREPAREDNESS PROGRAMMING. The same tactics will be used, the enjoinder of third party agencies for the sole purpose of killing, destroying, advancing eugenics, and harming innocent people. Please see exhibit 7 here to familiarize and warn the public of such criminally insane additional depopulation programming:

NOTARIZED AFFIDAVIT NYS TAX AND DRIVER LICENSE SUSPENSION CONSPIRACY TO MURDER PROGRAM POSTED AT PAGE 7 HERE:

http://www.endorganizedcrimeuniverse.com/assets/download/FINAL_NYS_TAX_LICENSE_SUSPENSION_MURDER_PLAN.pdf OR http://issuu.com/miriamsnnyder/docs/final_nys_tax_license_suspension_mu

TAKE HEED TO EPHESIANS 5:11,

Take no part in and have no fellowship with the useless deeds and ENTERPRISES OF DARKNESS, but instead EXPOSE, reprove and CONVICT THEM.

MESSAGE TO ALL:

The earth is the LORD's, and the fullness thereof; the world, and they that dwell therein.

AUTHORITY OVER DEMONS:

Then the seventy returned with joy, saying, "Lord, even the demons are subject to us in Your name." And He said to them, "I saw Satan fall like lightning from heaven. "Behold, I give you the authority to trample on serpents and scorpions, and over all the power of the enemy, and nothing shall by any means hurt you. "Nevertheless do not rejoice in this, that the spirits are subject to you, but rather rejoice because your names are written in heaven" (Luke 10:17-20 NKJV).

In closing, enforcement of oath of offices, affidavits and the dismantling of the attorney acting as witness, lawyer and respondent deceit and collusions must be dismantled. Petitioner looks forward to an end to these crimes. Please read the below affidavit attesting to everything in this motion to dismiss respondents not supported by any lawful evidence CLAIMS. Thank you

State of New York)

) ss

County of Queens)

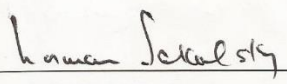
AFFIRMATION

On this day of the 16 of June 2014 I, Miriam Snyder hereby write this Affidavit/Affirmation in support of the: DTA# 826108, MOTION TO STRIKE RESPONDENTS DEFECTIVE ANSWER AND DISMISS RESPONDENTS NONVALIDATED EXTORTION CLAIMS FOR THE NEVER RECEIVED NOTICE AND NO PROOF OF SERVICE DRIVER LICENSE SUSPENSION NOTICE ALLEGEDLY DATED NOVEMBER 8TH 2013, these statements are true, correct and summarize the enjoinder of the NYS Department of Taxation in a well-documented and deadly conspiracy against rights embedded in the targeting of me and enforcement of obstruction of the rule of law. In this matter the obstruction of tax laws is being done under the disguise of no proof of mail service of a nonexistent alleged Notice of November 8, 2013 that I never received.

The NYS Tax Department extortion crimes, theft of my money and license rights, with no standing, no capacity to sue or steal my money, no real party of interest, no complaint, and no affidavit or affirmation, exemplify STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE FINANCIAL TERRORISM AND ORGANIZED EXTORTION AND COLLUSION CRIMES. Criminal reports will be forwarded to the FBI and Department of Justice as well as motions for sanctions in an attempt to stop this terrorism and theft. I seek an end to this terrorism I have endured. I hereby further affirm that the basis of these statements is my own direct knowledge, experience, and historical facts involved. The above is stated under penalty of perjury. I solemnly declare that the facts set forth herein are true. Thank you,

PETITIONER AND AFFIANT: 

MIRIAM SNYDER, ALL RIGHTS RESERVED.


NOTARY PUBLIC

NORMAN SAKOLSKY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SA6188758
Qualified in Suffolk County
My Commission Expires June 16, 2016 [SEAL]

CERTIFICATE OF MAILING

I, MIRIAM SNYDER, CERTIFY THAT ON THE 18TH DAY OF JUNE 2014 I FAXED AND MAILED A COPY OF THE ABOVE DTA# 826108, MOTION TO STRIKE RESPONDENTS DEFECTIVE ANSWER AND DISMISS RESPONDENTS NONVALIDATED EXTORTION CLAIMS FOR THE NEVER RECEIVED NOTICE AND NO PROOF OF SERVICE DRIVER LICENSE SUSPENSION NOTICE ALLEGEDLY DATED NOVEMBER 8TH 2013, TO:

MICHELE W. MILAVEC AND AMANDA HILLER, COUNSELORS
STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE,
THOMAS MATTOX, COMMISSIONER, THOMAS.MATTOX@TAX.NY.GOV.
NYS DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF THE DEPUTY INSPECTOR GENERAL
BUILDING 9 - ROOM 481
W.A. HARRIMAN CAMPUS
ALBANY, NEW YORK 12227
FAXED TO: 518 435 2942 AND 518 485 8679

SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12227
(518)272-5178
FAXED AND OR EMAILED TO:

Bureau of Consumer Protection,
COMPLAINT@FTC.GOV
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580 (202) 326-2222

The Honorable Andrew M. Cuomo:
gov.cuomo@chamber.state.ny.us
Governor of New York State
NYS State Capitol Building
Albany, NY 12224
FAX: (518)474-3767

Mr. Schneider, NYS Attorney General,
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Fax: (212) 384-4073 / 4074
E-mail: ny1@ic.fbi.gov

US Congressman Schumer
senator@schumer.senate.gov
780 Third Avenue
Suite 2301
New York, NY 10017
Phone: 212-486-4430
Fax: 212-486-7693

Congressman Eliot Engle
Congressman_Engel@housemail.house.gov
3655 Johnson Avenue
Bronx, NY 10463
Phone : (718) 796-9700
Fax: (718)796-5134

EXHIBIT 1

NYS RECKLESS AND ONGOING HOMELAND TERRORISM UNCONSTITUTIONAL DRIVER LICENSE SUSPENSION WITH NO PRIOR NOTICE, NO PROOF OF SERVICE OF ANY NOTICE PRIOR TO THIS SUSPENSION, NYS TAX AND DMV NON VALIDATED COLLUSION BASED UNCONSTITUTIONAL SUSPENSION WITH NO PROOF OF CLAIM, NO EVIDENCE OF MAILING A NOTICE PRIOR TO SUSPENSION, TAX EXTORTION LEVY WITH NO NOTICE AND OR PROOF OF CLAIMS, RESPONDENT'S TERRORISTIC SEIZURES WITH NO REAL PARTY OF INTEREST, NO SUMMONS, NO COURT ORDER, NO COMPLAINT, A DEFECTIVE ANSWER, NO AGENCY, NO PRINCIPAL, AND NO CAPACITY TO SUE. ABOVE ALL, THE FICTITIOUS RESPONDENTS FAILURE AND REFUSAL TO FILE ANY AFFIDAVIT OR MAKE AN ATTESTATION AS TO THE VALIDITY/VERACITY OF THEIR EXTORTION CLAIMS EXEMPLIFIES RESPONDENTS CLEAR INABILITY, FAILURE AND REFUSAL TO PERFORM DUTIES REQUIRED BY LAW THAT WILL STOP THESE UNCONSTITUTIONAL CRIMES, INDUCED UNDUE HARDSHIP. THEFT OF MONEY NOT OWED, AND ORGANIZED FRAUD ATTORNEY DECEIT AND COLLUSION

New York State Department of Motor Vehicles			
ORDER OF SUSPENSION OR REVOCATION			
www.dmv.ny.gov			
POSTAL ID:	061080553	COMPLIANCE DATE	
		ITEM	
		AFFIDAVIT	
		MV REP SIGNATURE	
SNYDER, MIRIAM, B 3230 CRUGER AVE 6B BRONX NY 10467		COURT	
01/15/2014	BRONX COUNTY, BRONX D.O.	DATE OF BIRTH	SEX
ORDER NUMBER	IDENTIFICATION NUMBER		
11601160000	016000 01001 000000 00		F
CLIENT NUMBER			
YOUR NEW YORK STATE DRIVER LICENSE WILL BE SUSPENDED EFFECTIVE 01/29/2014. THIS ACTION IS TAKEN UNDER SECTION 510 OF THE VEHICLE AND TRAFFIC LAW.			
CAUSE: DELINQUENT UNPAID TAX DEBT WITH THE NYS DEPARTMENT OF TAXATION AND FINANCE. CASE NUMBER E025598055.			
IF YOU HAVE ANY QUESTIONS REGARDING WHY THIS SUSPENSION WAS ISSUED OR ABOUT CLEARING THIS SUSPENSION, CONTACT:			
THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE 518-862-6000 www.tax.ny.gov			
YOU ARE ELIGIBLE FOR A RESTRICTED USE LICENSE. CONTACT THE MOTOR VEHICLES OFFICE LISTED BELOW. THE FEE FOR A RESTRICTED USE LICENSE IS \$75. THERE MAY BE ADDITIONAL FEES.			
YOU MAY NOT DRIVE A MOTOR VEHICLE IN NEW YORK STATE FOR ANY REASON WHILE THIS ORDER IS IN EFFECT, UNLESS YOU RECEIVE A RESTRICTED USE LICENSE/PRIVILEGE FROM DMV. IF YOU DO DRIVE, YOU MAY BE SUBJECT TO ARREST AND THE PENALTIES PROVIDED BY LAW.			
IF YOU HAVE NOT ALREADY DONE SO, TURN IN YOUR NYS DRIVER LICENSE (INCLUDING ANY DUPLICATES) TO THE DEPARTMENT OF MOTOR VEHICLES AT THE OFFICE LISTED BELOW.			
DEPARTMENT OF MOTOR VEHICLES 696 EAST FORDHAM ROAD, BRONX, NY 10458			
Commissioner of Motor Vehicles OFFICE USE ONLY 64 N			

EXHIBIT 2.

**NYS ONGONG AND CONTINUOUS HOMELAND TERRORISM UNCONSTITUTIONAL DRIVER LICENSE
SUSPENSION WITH NO PRIOR NOTICE, NO PROOF OF SERVICE OF ANY NOTICE PRIOR TO THIS SUSPENSION
ANYWHERE, NYS TAX AND DMV NON VALIDATED COLLUSION BASED UNCONSTITUTIONAL SUSPENSION
WITH NO PROOF OF MAILING NOTICE AND NO PROOF OF CLAIM
RESPONDENTS' UNCONSTITUTIONAL SUSPENSION OF LICENSE WITH NO EVIDENCE OF MAILING A NOTICE
PRIOR TO SUSPENSION, TAX EXTORTION LEVY WITH NO NOTICE AND OR PROOF OF CLAIMS,
RESPONDENT'S TERRORISTIC SEIZURES WITH NO COMPLAINT, A DEFECTIVE ANSWER, NO AGENCY, NO
PRINCIPAL, AND NO CAPACITY TO SUE. ABOVE ALL, THE FICTITIOUS RESPONDENTS FAILURE AND
REFUSAL TO FILE ANY AFFIDAVIT OR MAKE AN ATTESTATION AS TO THE VALIDITY/VERACITY OF THEIR
EXTORTION CLAIMS EXEMPLIFIES RESPONDENTS CLEAR INABILITY, FAILURE AND REFUSAL TO
PERFORM A DUTY REQUIRED BY LAW THAT WILL STOP THESE UNCONSTITUTIONAL CRIMES**

New York State Department of Motor Vehicles
ORDER OF SUSPENSION OR REVOCATION
www.dmv.ny.gov

POSTAL ID: 061107946

COMPLIANCE DATE
ITEM
AFFIDAVIT
MV REP SIGNATURE

SNYDER, MIRIAM, B
3230 CRUGER AVE 6B
BRONX NY 10467

COURT

03/13/2014 BRONX COUNTY, BRONX D.O.
ORDER NUMBER IDENTIFICATION NUMBER DATE OF BIRTH SEX CLIENT NUMBER

YOUR NEW YORK STATE DRIVER LICENSE WILL BE SUSPENDED EFFECTIVE 03/27/2014.
THIS ACTION IS TAKEN UNDER SECTION 510 OF THE VEHICLE AND TRAFFIC LAW.

CAUSE: DELINQUENT UNPAID TAX DEBT WITH THE NYS DEPARTMENT OF TAXATION AND
FINANCE. CASE NUMBER E025598055.

IF YOU HAVE ANY QUESTIONS REGARDING WHY THIS SUSPENSION WAS ISSUED OR ABOUT
CLEARING THIS SUSPENSION, CONTACT:

THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE
518-862-6000
www.tax.ny.gov

YOU ARE ELIGIBLE FOR A RESTRICTED USE LICENSE. CONTACT THE MOTOR VEHICLES
OFFICE LISTED BELOW. THE FEE FOR A RESTRICTED USE LICENSE IS \$75. THERE
MAY BE ADDITIONAL FEES.

YOU MAY NOT DRIVE A MOTOR VEHICLE IN NEW YORK STATE FOR ANY REASON WHILE
THIS ORDER IS IN EFFECT, UNLESS YOU RECEIVE A RESTRICTED USE
LICENSE/PRIVILEGE FROM DMV. IF YOU DO DRIVE, YOU MAY BE SUBJECT TO ARREST
AND THE PENALTIES PROVIDED BY LAW.

IF YOU HAVE NOT ALREADY DONE SO, TURN IN YOUR NYS DRIVER LICENSE (INCLUDING
ANY DUPLICATES) TO THE DEPARTMENT OF MOTOR VEHICLES AT THE OFFICE LISTED
BELOW.

DEPARTMENT OF MOTOR VEHICLES
696 EAST FORDHAM ROAD, BRONX, NY 10458

EXHIBIT 3

NYS ONGONG AND CONTINUOUS HOMELAND TERRORISM UNCONSTITUTIONAL DRIVER LICENSE
SUSPENSION WITH NO PRIOR NOTICE, NO PROOF OF SERVICE OF ANY NOTICE PRIOR TO THIS SUSPENSION
ANYWHERE, NYS TAX AND DMV NON VALIDATED COLLUSION BASED UNCONSTITUTIONAL SUSPENSION
WITH NO PROOF OF MAILING NOTICE AND NO PROOF OF CLAIM
RESPONDENTS' UNCONSTITUTIONAL SUSPENSION OF LICENSE WITH NO EVIDENCE OF MAILING A NOTICE
PRIOR TO SUSPENSION, TAX EXTORTION LEVY WITH NO NOTICE AND OR PROOF OF CLAIMS,
RESPONDENT'S TERRORISTIC SEIZURES WITH NO COMPLAINT, A DEFECTIVE ANSWER, NO AGENCY, NO
PRINCIPAL, AND NO CAPACITY TO SUE. ABOVE ALL, THE FICTITIOUS RESPONDENTS FAILURE AND
REFUSAL TO FILE ANY AFFIDAVIT OR MAKE AN ATTESTATION AS TO THE VALIDITY/VERACITY OF THEIR
EXTORTION CLAIMS EXEMPLIFIES RESPONDENTS CLEAR INABILITY, FAILURE AND REFUSAL TO
PERFORM A DUTY REQUIRED BY LAW THAT WILL STOP THESE UNCONSTITUTIONAL CRIMES


New York State Department of Motor Vehicles			
ORDER OF SUSPENSION OR REVOCATION			
www.dmv.ny.gov			
POSTAL ID:	061145814	COMPLIANCE DATE	_____
		ITEM	_____
		AFFIDAVIT	_____
		MV REP SIGNATURE	_____
		COURT	
SNYDER, MIRIAM, B			
3230 CRUGER AVE 6B			
BRONX NY 10467			
06/04/2014	BRONX COUNTY, BRONX D.O.	DATE OF BIRTH	SEX
ORDER NUMBER	IDENTIFICATION NUMBER	CLIENT NUMBER	
YOUR NEW YORK STATE DRIVER LICENSE WILL BE SUSPENDED EFFECTIVE 06/18/2014. THIS ACTION IS TAKEN UNDER SECTION 510 OF THE VEHICLE AND TRAFFIC LAW.			
CAUSE: DELINQUENT UNPAID TAX DEBT WITH THE NYS DEPARTMENT OF TAXATION AND FINANCE. CASE NUMBER E025598055.			
IF YOU HAVE ANY QUESTIONS REGARDING WHY THIS SUSPENSION WAS ISSUED OR ABOUT CLEARING THIS SUSPENSION, CONTACT:			
THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE 518-862-6000 www.tax.ny.gov			
YOU ARE ELIGIBLE FOR A RESTRICTED USE LICENSE. CONTACT THE MOTOR VEHICLES OFFICE LISTED BELOW. THE FEE FOR A RESTRICTED USE LICENSE IS \$75. THERE MAY BE ADDITIONAL FEES.			
YOU MAY NOT DRIVE A MOTOR VEHICLE IN NEW YORK STATE FOR ANY REASON WHILE THIS ORDER IS IN EFFECT, UNLESS YOU RECEIVE A RESTRICTED USE LICENSE/PRIVILEGE FROM DMV. IF YOU DO DRIVE, YOU MAY BE SUBJECT TO ARREST AND THE PENALTIES PROVIDED BY LAW.			
IF YOU HAVE NOT ALREADY DONE SO, TURN IN YOUR NYS DRIVER LICENSE (INCLUDING ANY DUPLICATES) TO THE DEPARTMENT OF MOTOR VEHICLES AT THE OFFICE LISTED BELOW.			
DEPARTMENT OF MOTOR VEHICLES 696 EAST FORDHAM ROAD, BRONX, NY 10458			
MV-110C (4/11)		Commissioner of Motor Vehicles OFFICE USE ONLY 64 N	

EXHIBIT 4

**NO AFFIDVIT, NO AFFIRMATION DISGUISED RESPONDENT, ATTORNEY AND WITNESS
ANSWER COVER LETTER**



7007 3020 0002 5533 6043

STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE

OFFICE OF COUNSEL
Litigation Section

W.A. HARRIMAN CAMPUS
ALBANY, NY 12227
Phone: (518) 457-2070

April 23, 2014

Miriam Snyder
3230 Cruger Avenue 6B
Bronx, New York 10467

Re: Matter of Miriam Snyder
DTA # 826108

Dear Ms. Snyder:

Enclosed please find the Division of Taxation's answer to the petition you filed in the above-referenced matter. In the next few months the Division of Tax Appeals will be contacting the parties to schedule a pre-hearing conference. If you would care to discuss making arrangements for payment without the need for further litigation, please contact the undersigned at (518) 457-2070.

Thank you for your cooperation.

Very truly yours,

AMANDA HILLER
Deputy Commissioner and Counsel

By: *Michele W. Milavec*
MICHELE W. MILAVEC
Senior Attorney

Enc.
cc: Division of Tax Appeals



EXHIBIT 5

ATTORNEY FRAUD, DECEIT AND COLLUSION

ATTORNEY ACTING AS WITNESS, A DEFECTIVE ANSWER WITH NO REAL PARTY OF INTEREST, NO DOCUMENTS, OR THINGS TO PROVE ANY FACTS. COUNSEL IS TESTIFYING. RESPONDENT COUNSELORS LACK PERSONAL FIRST-HAND KNOWLEDGE OF THE FACTS TO WHICH THEY ARE TESTIFYING.

NON VERIFIED, NON CERTIFIED, NO AFFIDVIT, NO AFFIRMATION DISGUISED RESPONDENT, ATTORNEY AND WITNESS FRIVOLOUS ANSWER VIOLATION OF 22 NYCRR § 130, VIOLATION OF CPLR 2106, CPLR RULES 3022 AND 3026 N, F.R.E. AND NEW YORK RULES OF EVIDENCE AND UNIFORM RULES § 202.12-A (F) DUE TO THE LACK OF ANY FACT TESTIMONY UNDER OATH.

STATE OF NEW YORK
DIVISION OF TAX APPEALS

-----X
In the Matter of the Petition

of

MIRIAM SNYDER

ANSWER

DTA # 826108

For Redetermination or Revision of the Notice of
Proposed Driver License Suspension Referral Issued
on November 8, 2013 Pursuant to Tax Law §171-v.

The Division of Taxation of the New York State Department of Taxation and Finance
(the "Division"), as and for its answer to the petition of the above applicant, states the following:

1. DENIES all of the allegations, statements and/or positions contained in section (6) of the petition and any and all attachments to section (6) of the petition unless otherwise stated.
2. DENIES making any error in issuing the statutory notice(s) under protest.
3. AFFIRMATIVELY STATES that the Division issued a Notice of Proposed Driver License Suspension Referral, Form DTF-454, dated November 8, 2013 asserting that Miriam Snyder (the "petitioner") must pay her fixed and final New York State tax debts or her driver's license may be suspended pursuant to Tax Law §171-v.
4. AFFIRMATIVELY STATES that the Notice of Proposed Driver License Suspension Referral issued by the Division on November 8, 2013 included a Consolidated Statement of Tax Liabilities setting forth fixed and final tax bills issued to the petitioner totaling \$31,889.06 which are subject to collection action including: (1) Assessment ID # L-028080145 for the tax period ended 12/31/03

with a current balance due of tax, interest, and penalty as of 11/08/13 in the amount of \$3,544.35; (2) Assessment ID # L-027624035 for the tax period ended 12/31/02 with a current balance due of tax, interest, and penalty as of 11/08/13 in the amount of \$11,410.27; (3) Assessment ID # L-025598055 for the tax period ended 12/31/00 with a current balance due of tax, interest, and penalty as of 11/08/13 in the amount of \$12,231.26; and (4) Assessment ID # L-023414207 for the tax period ended 12/31/01 with a current balance due of tax, interest, and penalty as of 11/08/13 in the amount of \$4,703.18.

5. AFFIRMATIVELY STATES that pursuant to Tax Law §171-v the petitioner has no right to commence a court action or proceeding or any other legal recourse regarding a notice issued under Tax Law §171-v and subsequent referral to the New York State Department of Motor Vehicles for the purpose of suspension of the petitioner's driver's license, except in very limited circumstances.
6. AFFIRMATIVELY STATES that pursuant to Tax Law §171-v the petitioner may only challenge such suspension or referral on the grounds that (i) the individual to whom the notice was provided is not the taxpayer at issue, (ii) the past-due tax liabilities were satisfied, (iii) the taxpayer's wages are being garnished by the department for the payment of the past-due tax liabilities at issue or for past-due child support or combined child and spousal support arrears; (iv) the taxpayer's wages are being garnished for the payment of past-due child support or combined child and spousal support arrears pursuant to an income execution issued pursuant to CPLR §5241, (v) the taxpayer's driver's license is a commercial driver's license as defined in §501-a of the Vehicle and Traffic

Law, or (vi) the department incorrectly found that the taxpayer has failed to comply with the terms of a payment arrangement made with the commissioner more than once within a twelve month period.

7. AFFIRMATIVELY STATES that the petitioner has not raised any of the grounds listed above which are the only grounds for challenging the proposed suspension of the petitioner's driver's license pursuant to Tax Law §171-v.
8. AFFIRMATIVELY STATES that the petitioner requested a Conciliation Conference before the Bureau of Conciliation and Mediation Services on January 27, 2014. By Conciliation Order Dismissing Request, CMS Number 260513, dated February 7, 2014 the Conciliation Conferee denied the request for a Conciliation Conference because the request was late filed.
9. AFFIRMATIVELY STATES that the petitioner failed to file a request for a Conciliation Conference with the Bureau of Conciliation and Mediation Services within sixty (60) days of the issuance of the Notice of Proposed Driver License Suspension Referral on November 8, 2013.
10. AFFIRMATIVELY STATES that the Notice of Proposed Driver License Suspension Referral is presumed correct.
11. AFFIRMATIVELY STATES that the petitioner has the burden of establishing, by clear and convincing evidence, that there are grounds for challenging the Notice of Proposed Driver License Suspension Referral issued pursuant to Tax Law §171-v .

WHEREFORE the Division of Taxation of the Department of Taxation and Finance respectfully requests that the petition of the applicant herein be dismissed or, in the alternative, requests that the petition be denied, the statutory notice be sustained, and requests any further relief that the Division of Tax Appeals deems just and proper.

AMANDA HILLER
Deputy Commissioner and Counsel

By: Michele W. Milavec
MICHELE W. MILAVEC
Senior Attorney

Dated: April 23, 2014
Albany, New York

EXHIBIT 6

CRIMINAL USE OF AGENCIES, THE DMV AND THE NYS DEPARTMENT OF TAXATION AND FINANCE FOR ORGANIZED FRAUD, OBSTRUCTION OF CONSTITUTIONAL RIGHTS, DECEIT AND COLLUSION THAT EFFECTUATED RESPONDENTS AND THE DMV COLLISION BASED NO PROOF OF CLAIM, NO AFFIRMATION, NO AFFIDAVIT, NO REAL PARTY OF INTEREST, NO STANDING, NO CAPACITY, NO JURISDICTION, NO COURT ORDER, NO SUMMONS, NO COMPLAINT, PLAIN ORGANIZED FRAUD THAT KILLS

- ✓ **THE DMV COMMISSIONER FAILED TO PERFORM VALIDATION, AUTHENTICATION AND DUE DILIGENCE DUTIES REQUIRED BY LAW**
- ✓ **THE DMV COMMISSIONER ENFORCED A NON PROOF OF CLAIM SUSPENSION WHICH EXCEEDED HER LEGAL POWERS**
- ✓ **THE DMV COMMISSIONER'S DETERMINATION WAS RECKLESS, INJURIOUS, ARBITRARY, CAPRICIOUS, AND EXEMPLIFIES AN ABUSE OF DISCRETION**
- ✓ **THE DMV COMMISSIONER'S DETERMINATION WAS A PART OF A HIT AND WAS NOT SUPPORTED BY ANY EVIDENCE**
- ✓

**3230 Cruger Avenue 6B
Bronx NY 10467
March 28, 2014**

**BARBARA J. FIALA, NYS DMV Commissioner, barbara.fiala@dmv.ny.gov
Room 136-----
Swan Street Building
Empire State Plaza
Albany, NY 12228
Fax: (518) 474-9578**

NOTICE OF DISPUTE, THIRD VALIDATION REQUEST AND NOTICE OF INTENT TO SUE

Dear Ms. Fiala:

This notice is being sent prior to filing lawsuit as an opportunity to amicably cure the NYS Department of Motor Vehicle ongoing and continuous violations of applicable sections of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692, violations of the 1st, 4th, 5th, 9th and 14th Constitutional Amendments, Deprivation of Constitutional Rights and Privileges, 42 U.S.C. § 1983, Conspiracy to Depriving Persons of Equal Protection of the Laws, 42 U.S.C. § 1985, Intentional Infliction of Emotional Distress, Negligence, Invasion of Privacy, willful, malicious, retaliatory, discriminatory, abusive and outrageous actions against citizens and the disabled, as well as for violations of the New York General Business Laws section §349, *et seq.*

I regret to inform you that your agency is now the target of a lawsuit due to an endless circle of grief you have caused me. Your agency has violated the above noted laws on multiple occasions as described in the many letters I have sent you and as summarized below.

Your agency is acting as a third party debt collection agency and you have criminally suspended my license on multiple occasions while the alleged debt is disputed, has not been validated, and additionally such has been done in violation to the above noted Constitutional due process protections.

I am again mandating validation from you for suspending my driver's license. Please validate the alleged debt or cease destroying my exemplary driver record with these negligent, maliciously conspired and oppressive suspension notices.

Produce a contract between DMV and Miriam Snyder that allowed or allows you to collect alleged and non-validated debts for the NYS Department of Taxation and Finance.

Please send validation or send me a notice ending any and all threats of driver license suspension or you will be sued individually and in your official capacity for:

- A. NEGLIGENCE in failing to use such care in the performance of duties as a reasonably prudent and careful COMMISSIONER would have used under similar circumstances, in permitting DMV Agents to continue to perform their duties in an improper, negligent, careless and reckless manner all without any negligence on part of the Miriam Snyder., contributing thereto; and,**
- B. NEGLIGENCE of DMV, its agents, servants and employees in training and instruction of DMV Agents by not exercising care in instructing them as to their deportment, behavior and conduct as DMV Agents and Supervisors and representatives of the State of New York DMV and in the training and instruction, all without any negligence on the part of the Miriam Snyder.**
- C. Invading my privacy; unauthorized, criminal, negligent and damaging interference in a third party commercial affair,**
- D. NYS law recognizes consumers' right to be free from invasions of privacy and the DMV Agents violated state law as described above in suspending my driver's license without authority to do so, with no validation of any alleged debt, and while disputing allegations of an alleged debt.**
- E. Congress explicitly recognized a consumer's inherent right to privacy in commercial matters in passing the Fair Debt Collection Practices Act.**
- F. Consumers have a reasonable expectation of privacy in their solitude, seclusion, private concerns or affairs, and private financial information.**
- G. The DMV Agents wanton, reckless, and endless lawless driver license suspensions violate the FDCPA, 15 U.S.C. §§ 1692d, 1692e, 1692e (2)(A), 1692e (10) and 1692 f by making false and misleading representations, and engaging in unfair and abusive practices.**
- H. Falsely claiming a DMV and NYS Department of Taxation and Finance and Miriam Snyder account or contract exists when in fact no such nexus exists;**
- I. The DMV Agents have suspended Miriam Snyder's driver's license as if they have a contract or an account of the facts necessary to do such when in fact they do not;**
- J. Alleging Miriam Snyder owed a debt when the NYS DMV could not substantiate its representations;**
- K. Providing information to driver reporting agencies, while knowing or having reasonable cause to believe that the information was inaccurate;**

- L. Failing to notify Miriam Snyder in a timely manner that it was suspending her driver's license;**
- M. Failing to validate and conduct a reasonable investigation when it received a request for validation and a notice of dispute from a Miriam Snyder;**
- N. Informing third parties about a debt;**
- O. Using illegal debt-collection practices, including misrepresenting the character, amount, or legal status of a debt; providing inaccurate information to agencies; and making false representations to collect debt; and**
- P. Failing to provide verification of the debt and continuing to attempt to collect a debt when it is disputed by the consumer;**
- Q. Deceptive collection for falsely claiming a suspension was on hold when it was not and was reinstated without required proof, validation or due process;**

I have an extensive paper trail along with substantial proof of these violations. I am willing to settle this matter and save us both the aggravation of fighting this out in court.

I am willing to not sue you upon:

1. A check in an agreeable amount,
2. Deletion of all non-validated driver license suspensions associated with this matter,
3. Receipt of a letter stating the suspensions will be blocked from reappearing on my driving records.

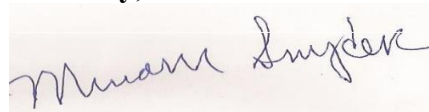
If I do not hear from you within 7 days, from the date of this letter, a summons will be issued to you.

Despite all, there is still time to settle this matter amicably if you respond within 7 business days, which is by April 4, 2014.

You may contact me at mirisni@aol.com or via fax at: 866-244-9823. I have tried on many occasions to settle this matter with no response from your company. Your continued silence particularly while damaging and commercially injuring me will force the law suit mentioned above to be filed.

If you wish to settle this matter, you may contact me at the address listed at the top of this letter. If you decline this offer of settlement, I will seek the full amount available in court and a court order from the judge ordering these non-validated, malicious, negligent, unwarranted, oppressive, and unauthorized driver suspension notices to be stopped. I look forward to your response.

Sincerely,



Miriam Snyder, mirisni@aol.com
3230 Cruger Avenue 6B
Bronx, New York 10467
Fax: 866-244-9823

7013 2630 0001 1932 3146

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Return Receipt Fee (Enrollment Required)	\$2.70	Postmark Here
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Total Postage & Fees	\$6.49	03/28/2014

Sent to Barbara Field

Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions



**SUPERVISING ADMINISTRATIVE LAW JUDGE
STATE OF NEW YORK DIVISION OF TAX APPEALS
AGENCY BUILDING 1
EMPIRE STATE PLAZA
ALBANY, NY 12223**

MIRIAM SNYDER,

DTA# 826108

PRO SE PETITIONER

VS.

AMANDA HILLER, INDIVIDUALLY AND AS DEPUTY COMMISSIONER AND COUNSELOR STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE, MICHELE W. MILAVEC INDIVIDUALLY AND AS SENIOR ATTORNEY STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE, KEVIN ID # 5470 INDIVIDUALLY AND AS MEMBER OF THE STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE AND THE STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE,

FICTITIOUS RESPONDENTS, ATTORNEYS ACTING AS WITNESSES AND MALICIOUS DEBT COLLECTORS

MAIL RECEIPTS BELOW

THE BELOW DOCUMENTS WERE MAILED ACCORDING TO THE ABOVE NOTED CERTIFICATE OF MAILINGS.

- 1. PETITIONER'S REPLY ORDER TO SHOW CAUSE AND AFFIDAVIT TO STOP THE RESPONDENTS CRIMINAL, NON PROCEDURAL, MALICIOUS, IRREPARABLE HARM, UNDUE HARDSHIP CLAIMS OF AN OUT OF THIN AIR CREATED NON VALIDATED ALLEGED TAX DEBT AND TO STOP ALLEGATIONS OF A NO PROOF OF MAIL SERVICE ALLEGED DRIVER LICENSE SUSPENSION NOTICE**
- 2. PETITIONER'S REPLY AND DISCOVERY MOTION TO COMPELL AND DEMAND FOR RESPONDENT DOCUMENTS: PROOF OF TAX CLAIMS, PROOF OF MAIL SERVICE OF THE ALLEGED DRIVER LICENSE SUSPENSION NOTICE OF NOVEMBER 8, 2013, PROOF OF A REAL PARTY OF INTEREST, PROOF OF TAX VALIDATION, PROOF OF JURISDICTION, PROOF OF A RESPONDENT SUMMONS AND COMPLAINT PRIOR TO STEALING PETITIONER'S MONEY AND SEIZING HER DRIVER'S LICENSE RIGHTS, PROOF OF STANDING, PROOF OF CAPACITY TO SUE, PROOF OF RESPONDENTS MULTIPLE IDENTITIES AS ATTORNEYS AND WITNESSES**
- 3. PETITIONER'S REPLY COUNTERCLAIM AND AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT IN REPLY TO THE RESPONDENTS UNCONSTITUTIONAL AND NEVER RECEIVED NOTICE AND NO PROOF OF SERVICE DRIVER LICENSE SUSPENSION NOTICE ALLEGED DATE OF NOVEMBER 8TH 2013**
- 4. PETITIONER'S REPLY MOTION TO STRIKE RESPONDENTS DEFECTIVE ANSWER AND DISMISS RESPONDENTS NONVALIDATED NYS TAX EXTORTION CLAIMS FOR THE NEVER RECEIVED NOTICE AND NO PROOF OF SERVICE DRIVER LICENSE SUSPENSION NOTICE ALLEGEDLY DATED NOVEMBER 8TH 2013**

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ALBANY, NY 12227

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Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 9.50	06/18/2014

Sent To: *Shashak Milave*
 Street, Apt. No., or PO Box No.: *Amara Hill*
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

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Certified Fee	\$3.30	35 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 9.50	06/18/2014

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